



**Castle House
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Tuesday, 29 April 2025

**Chair: Councillor A Freeman
Vice-Chair: Councillor D Moore**

Members of the Committee:

**Councillor A Amer
Councillor C Brooks
Councillor L Dales
Councillor S Forde
Councillor P Harris
Councillor K Melton
Councillor E Oldham**

**Councillor P Rainbow
Councillor S Saddington
Councillor M Shakeshaft
Councillor T Smith
Councillor L Tift
Councillor T Wildgust**

MEETING:	Planning Committee
DATE:	Thursday, 8 May 2025 at 4.00 pm
VENUE:	Civic Suite, Castle House, Great North Road, Newark, NG24 1BY
<p>You are hereby requested to attend the above Meeting to be held at the time/place and on the date mentioned above for the purpose of transacting the business on the Agenda as overleaf.</p> <p>If you have any queries please contact Catharine Saxton on catharine.saxton@newark-sherwooddc.gov.uk.</p>	

AGENDA

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Part 4 - Exempt and Confidential Items

There are none.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Thursday, 13 March 2025 at 4.00 pm.

PRESENT: Councillor A Freeman (Chair)
Councillor D Moore (Vice-Chair)

Councillor A Amer, Councillor C Brooks, Councillor L Dales, Councillor S Forde, Councillor P Harris, Councillor K Melton, Councillor E Oldham, Councillor P Rainbow, Councillor M Shakeshaft, Councillor L Tift and Councillor T Wildgust

APOLOGIES FOR Councillor S Saddington
ABSENCE:

115 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chair informed the Committee that the Council was undertaking an audio recording of the meeting and that it was being live streamed.

116 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors L Dales, A Freeman and K Melton declared an other registrable interest for any relevant items, as they were appointed representatives on the Trent Valley Internal Drainage Board.

117 MINUTES OF THE MEETING HELD ON 13 FEBRUARY 2025

AGREED that the minutes from the meeting held on 13 February 2025 were agreed as a correct record and signed by the Chair.

118 CLIPSTONE HOLDING CENTRE, MANSFIELD ROAD, CLIPSTONE - 24/01714/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of buildings for industrial purposes following demolition with associated landscaping, car and cycle parking, pedestrian and vehicular accesses.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was circulated prior to the meeting which detailed correspondence received following publication of the agenda from Natural England and the Agent, including updated plans.

A letter from Nottinghamshire County Council was circulated to the Planning Committee Members and an adjournment of five minutes was taken to read the letter. The motion to adjourn for five minutes was moved by Councillor Dales and seconded by Councillor Moore. There was no material planning matters raised in the

letter, which affected the nature of the report.

The letter confirmed that the Highway Authority accepted in-principle the site access and on-site layout details shown on drawing number 102-450/(P)102B. Further details on the Travel plan (TP) were presented in the letter. The Highway Authority also made recommendations that a number of conditions, informatives and obligations be included in the Planning Committee report which were detailed in the letter. It was confirmed in the letter that subject to the inclusion of a construction management condition (suggested wording set out in the letter), approval of the travel plan condition included in the committee report and agreement on planning obligations (contributions towards travel plan monitoring and bus stop improvements), the Highways Authority had no objection to the planning application. The Business Manager advised that should Members be minded to approve, the decision should include a condition for the construction management plan and a condition ensuring agreement on the planning obligations.

Mr C Lindley, agent for the applicant, spoke in support of the application.

Members whilst considering the application welcomed the regeneration of the area and the job opportunities this would create. The planting as detailed in the report appeared to be complementary and a lot of trees had also been retained. The permeable car parking surface was also complemented alongside many positive environmental design features.

AGREED (unanimously) that:

- (a) planning permission be approved subject to the conditions contained within the report;
- (b) the additional conditions as detailed in the late schedule of communication circulated to Members at the start of the meeting concerning the Construction Management Plan, the wording to be delegated to the Business Manager – Planning Development; and
- (c) an additional condition requiring a S106 agreement to be entered into, the wording to be delegated to the Business Manager – Planning Development.

Councillor P Rainbow left the meeting at this point.

119 REVIEW AND UPDATE OF THE PROTOCOL FOR PLANNING COMMITTEE AND PLANNING SCHEME OF DELEGATION

The Committee considered the report of the Business Manager – Planning Development and Principal Legal Officer – Commercial, which suggested amendments to the Protocol for Planning Committee and Planning Scheme of Delegation.

The Principal Legal Officer confirmed that there were a couple of typographical errors in the first paragraph of the report. The sentence should read: The last full review was undertaken in 2023-2024 and changes adopted on 8 April 2024.

A Planning Committee Member workshop was held on the 4 February 2025 to review and discuss the Protocol and Scheme. It was broadly agreed that the arrangements were working well, but some clarity was sought around the referral provisions within the Protocol. Key observations were detailed within the report. The suggested amended Scheme of Delegation and Planning Protocol were attached as appendices to the report.

AGREED (unanimously) that:

- (a) the amendments to the Protocol for Planning Committee and Scheme of Delegation be approved; and
- (b) confers delegated authority to officers to format, update and publish the amended Protocol for Planning Committee and Planning Scheme of Delegation.

120 APPEALS LODGED

AGREED that the report be noted.

121 APPEALS DETERMINED

AGREED that the report be noted.

122 DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

The Committee considered the report of the Director for Planning & Growth relating to the performance of the Planning Development Business Unit over the three-month period October to December 2024 (Quarter 3). Performance had continued to be met and exceeded, despite challenges within and without the organisation.

The Planning Department undertook a range of activities including the processing of planning applications and associated appeals, planning enforcement, conservation and listed building advice, tree applications, pre-application advice as well as other service areas including land charges, street naming and numbering and management of the building control service for the Council. The report related to the planning functions of the service area.

The Planning Committee Chair thanked the Business Manager – Planning Development and the Development Control team for their work.

AGREED that the report be noted.

Meeting closed at 5.39 pm.



Report to Planning Committee 8 May 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Craig, Senior Planner x5865

Report Summary			
Application No.	24/01810/FUL		
Proposal	Change of use of two former farm storage buildings to storage (Use Class B8) and associated parking (retrospective)		
Location	Flaggs Farm, Cauntton Road, Norwell, Newark on Trent, NG23 6LB		
Applicant	Mr Pete Cook	Agent	Grace Machin Planning & Property
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SLE2BOLBIQ200		
Registered	15.10.2024	Target Date	27.12.2024 EoT: 12.05.2025
Recommendation	That planning permission is approved subject to the conditions at Section 10.0 of the report		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation due to the Ward Member calling in the application in respect of concerns about the nature of the proposal, and the public interest.

1.0 The Site

- 1.1 The application site relates to two existing steel-framed buildings originally associated within Flaggs Farm, Norwell. The farm complex is situated in the open countryside on the west side of Cauntton Road. The site includes a mixture of agricultural buildings, and buildings previously converted to residential use immediate adjacent the application site (to the south and east). The two buildings subject to this application were formerly used for agricultural storage.
- 1.2 Access to the site is via an established vehicular entrance from Cauntton Road.

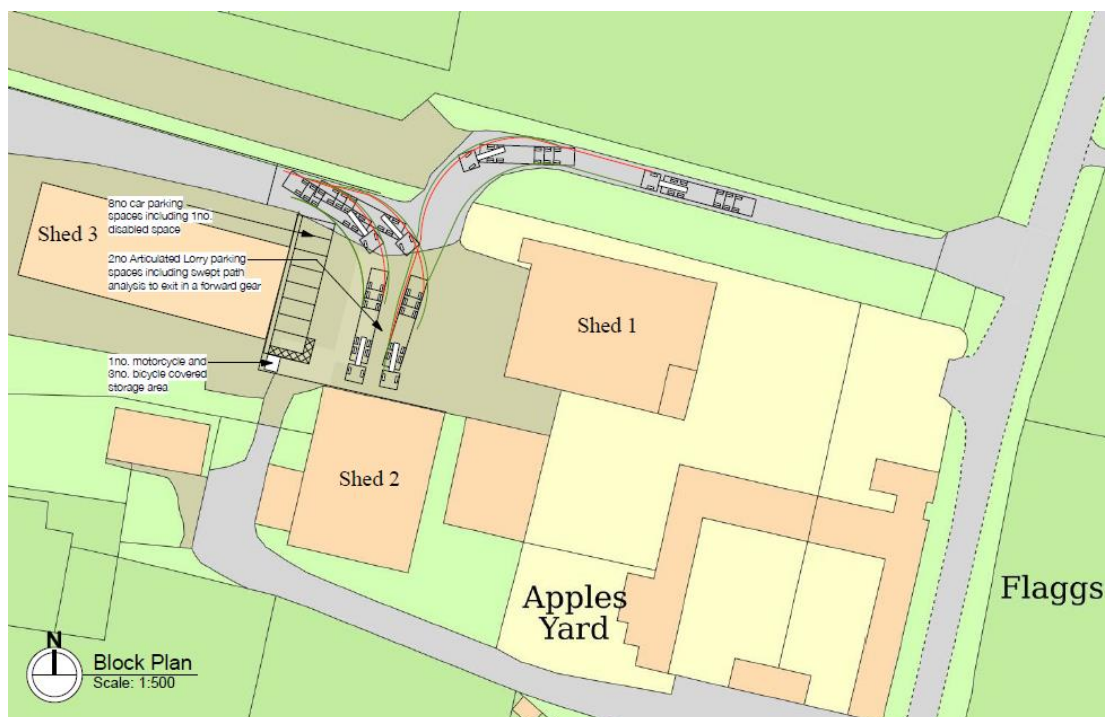
- 1.3 In accordance with Environment Agency flood zone mapping the entire site and surrounding land is designated as being within Flood Zone 1, which means it is at low risk of fluvial flooding.

2.0 Relevant Planning History

- 2.1. 93/51283/FUL - Convert farm buildings to form three dwellings (Permitted 29.06.1993)
- 2.2. 51880539 - Convert farm buildings to form three dwellings (Permitted 03.08.1988)
- 2.3. 21/02649/FUL - Erect Agricultural Storage Building following Demolition of 3 No. Storage Buildings (Permitted 16.03.2022)
- 2.4. 22/00613/S73 - Application for variation of condition 04 attached to planning permission 21/02649/FUL (Permitted 18.05.2022) 2.5 22/02239/FUL - Demolish existing building. Erection of new building for agricultural use (Permitted 11.01.2023)
- 2.5. 23/01067/FULM - Change of use of land from agricultural to equestrian. Erection of stables (Permitted 24.08.2023)
- 2.6. 24/01005/CPRIOR - Application to determine if prior approval is required for change of use of two former farm storage buildings for use to Storage 'Class B8', under Schedule 2, Part 3 Class R. Refused 12th July 2024 as the 'change of use' had already taken place.

3.0 The Proposal

- 3.1 This application seeks retrospective planning permission for the change of use of two existing buildings at Flaggs Farm, Norwell, from their former agricultural storage use to Use Class B8 (Storage and Distribution). The use commenced prior to the application submission, reportedly on 14th June 2024.
- 3.2 The two buildings subject to this application (identified as Shed 1 and Shed 2 on the submitted Block Plan) are existing steel-framed structures within the farm complex. No external alterations or new building works are proposed as part of this application. The total gross internal floorspace of the two buildings subject to the change of use is 934 square metres.



- 3.3 The applicant's supporting statement notes that the buildings have recently undergone cosmetic improvements, including re-cladding and replacement roller shutter doors.
- 3.4 The specific nature of the B8 storage use is stated in the supporting documents as being ancillary to the applicant's existing rural business (based at nearby Bridge Farm, Norwell Woodhouse). The stored items include outdoor cooking equipment (e.g., Big Green Egg, Gozney, OFYR), farmhouse-style garden furniture, wooden kitchens, and appliances (e.g., AGA). It is presented as farm diversification. A subsequent supporting statement highlights that the applicant is content to have a personal permission referenced as a condition, should permission be granted whereby the use of the buildings would be limited to the applicant only.
- 3.5 In terms of access and parking, the site is accessed from the existing access road directly adjacent to the site to the north that leads onto Caunton Road. The associated parking and turning space are provided within the existing farmyard area (between Sheds 1 and 2). This includes provision for 8 off-street car parking spaces (including 1 disabled space), 2 articulated lorry parking spaces (with swept path analysis showing forward exit), 1 motorcycle parking space and 3 covered cycle parking spaces.
- 3.6 The proposed hours of operation for the B8 use are 08:00 to 18:00 Monday to Friday, and 08:00 to 13:00 on Saturdays, with no operations on Sundays or Bank Holidays.
- 3.7 The development is stated to support 2 full-time equivalent employees.

Documents Assessed:

Application Form

Site Location Plan (ref: 0155-03 Rev C)

Block Plan (ref: 0155-02 Rev D)
Supporting Planning Statement
Noise Assessment by Noise assess Acoustics (ref: 13992.01.v1)

4.0 Public Advertisement Procedure

- 4.1 A total of 8 neighbouring properties have been notified of the application. A site notice was displayed on 07.11.2024. As a result of this consultation, 13 letters of support have been received and 3 letters of objection have been received.
- 4.2 A Site visits undertaken on 07.11.2024.

5.0 Planning Policy Framework

5.1. Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

- Spatial Policy 3: Rural Areas
- Spatial Policy 7: Sustainable Transport
- Core Policy 6: Shaping our Employment Profile
- Core Policy 9: Sustainable Design
- Core Policy 13: Landscape Character

5.2. Allocations & Development Management DPD (A&DM DPD) (Adopted July 2013)

- Policy DM5: Design
- Policy DM7: Biodiversity and Green Infrastructure
- Policy DM8: Development in the Open Countryside
- Policy DM10: Pollution and Hazardous Materials
- Policy DM12: Presumption in Favour of Sustainable Development

5.3. National Planning Policy Framework (NPPF) (December 2024)

- Chapter 2: Achieving sustainable development (inc. para 11 Presumption in favour of sustainable development)
- Chapter 6: Building a strong, competitive economy (inc. para 85 supporting economic growth, para 88 supporting rural economy/diversification)
- Chapter 9: Promoting sustainable transport (inc. para 116 highway safety impacts)
- Chapter 11: Making effective use of land (inc. para 124 reuse of previously developed land)
- Chapter 12: Achieving well-designed places
- Chapter 15: Conserving and enhancing the natural environment (inc. para 187 pollution/amenity, para 198 noise impacts)

5.4. Other Material Planning Considerations

- Planning Practice Guidance (online resource)

- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

5.5. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and has been accepted for examination (November 2024). There are unresolved objections to amended versions of policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

6.0 Consultations and Representations

6.1. Comments below are provided in summary - for comments in full please see the online planning file.

(a) Statutory Consultations

6.2. **NCC Highways Authority** – Initial Response (received 07/11/2024): The Highway Authority reviewed the submitted block plan (drawing no. 02 Rev. D) showing parking, servicing, turning provisions, and HGV swept paths. They noted the proposed parking (8 car, 2 HGV, 1 motorcycle, 3 cycle) meets the guidance in the Nottinghamshire Highway Design Guide and that the turning arrangements are acceptable. Referencing observations from the previous prior approval application (24/01005/CPRIOR), the existing access onto Cauntton Road was considered to have adequate visibility, facilitating large vehicle movements to the north. While left turns into the access from the south are limited, it was considered unlikely that a significant number of HGVs would use this route. The Highway Authority concluded that the proposed change of use, compared to the existing agricultural use, would not have a significant impact on highway capacity or safety on the wider network. Therefore, no objection was raised, subject to a condition requiring the parking, turning, and servicing areas shown on drawing 02 Rev. D to be provided before the use commences and maintained for the life of the development.

6.3. Further Correspondence (Email dated 03/03/2025): Following further review, the Highways Officer confirmed the 934sqm floorspace is well below the threshold requiring a formal transport assessment. It was noted that the likely traffic generation (estimated 1-2 HGVs in peak hours) is comparable to farm vehicles and, given no recorded injury accidents (1999-2023), the numbers would not allow an objection on safety or capacity grounds, especially considering the fallback agricultural use. While reiterating the 'no objection' stance on capacity and safety, the officer requested an additional condition requiring the access to be surfaced in a hard, bound material for a minimum distance of 20m from the highway boundary within 6 months, to reduce deleterious material being transferred onto the public highway. An informative regarding mud on the highway (Sections 149 and 151, Highways Act 1980) was also requested.

(b) Parish Council

- 6.4. **Norwell Parish Council** - Norwell Parish Council object to the proposals. They comment that the submission contains inconsistencies that seem to contradict submissions made when the application was originally considered under application number 22/02239/FUL when the Planning Statement outlined that 'It would deliver a new replacement agricultural building for the purposes of serving existing farming operations at Flaggs Farm, thereby meeting the Government's clear objectives for rural economic growth and support for agricultural enterprise.'
- 6.5. They also comment that the change of use is required to support a rural business when, "in reality, it would be to support a national business that is located on the industrial estate in Newark by providing additional storage." The Parish Council considered that the applicant should be directing their storage requirements on an industrial estate rather than imposing it on a rural community.
- 6.6. They also object to the proposed access to the site, commenting that the application site being is accessed via narrow country lanes, often single track, and lorries will have to negotiate a very narrow bridge on a blind bend within a few hundred yards of the site.
- 6.7. They comment that the Class B8 Use Class is normally appropriate in areas designated for primary and secondary employment and would consider that is not appropriate in this location. Granting a Class B8 use would leave this location exposed to further development in the future. As such, they consider that the proposals are contrary to Policy DM8 which restricts the development within the open countryside to specific uses which in brief are rural diversification, equestrian, small scale employment and agricultural. While acknowledging it would provide small scale employment, they considered the impact outweighs any benefit to the local community in providing employment.
- 6.8. In subsequent correspondence, the agent highlights that the former application for a new agricultural building (ref: 22/02239/FUL), does not form part of the application site as it is the adjacent buildings that are subject to this application. The Parish Council that they still maintain their objection to the proposals.

(c) Non-Statutory Consultation

- 6.9. **Environmental Health (Internal - Noise):** The submitted Noise Assessment concludes that noise levels from the B8 use are comparable to, or potentially lower than, the previous agricultural use, especially considering the proposed restricted hours compared to unrestricted agricultural operations. The assessment suggests noise impact is acceptable. Environmental Health previously noted (re: 24/01005/CPRIOR) that a limited B8 use might be similar in noise levels to agricultural use, but raised concerns about potential intensification. The current Noise Assessment aims to address this. Subject to confirmation from the EHO on this application, noise impacts appear acceptable, potentially controlled by condition.
- 6.10. **Environmental Services (Contaminated Land):** No observations in relation to land

contamination.

- 6.11. **NSDC Ecologist (Internal):** Confirmed via email the proposal is considered 'de minimis' and does not require Biodiversity Net Gain calculations.

(d) Representations

- 6.12. The 4 representations received objecting to the application were made on the grounds that:

- The number of potential vehicles on the roads leading to Flaggs Farm
- Caunton Lane is not designed for more lorries and the verges often suffer when there is a problem on the A1 and more traffic would cause more problems
- The bridges beyond the farm leading from Caunton are already dangerous with blind tight bends.
- the lane is not suitable for HGV vehicles
- the increased amount of HGV vehicles is very concerning.
- Impact the development would have on riding ponies along a single-track lane with no road markings
- Farm traffic along Caunton Road is seasonal and not every day, these lorries are every day.
- Lorries cause air pollution
- Norwell village itself is not suitable for HGV's, and is too narrow for a car and a HVG to pass each other.

The new farm buildings are larger than the original footprint and visibly imposing on the surrounding landscape.

There will be no way to limit the size of this business if it is granted planning. concerns about future changes of use if planning is granted

Support the Parish Council in objecting to the proposals

- 6.13. The 13 representations received supporting the application were made on the basis that:

- The scheme is fully compliant with N&SDC policy and really does improve that particular site.
- The applicant has made the extra investment to ensure that the scheme is not obtrusive and neatly blends into the vernacular without any impact on any neighbouring residents, also ensuring that there is easy access and egress from the site, removing any inconvenience to road users in that area.
- There are no single-track roads in this area. All roads, including the road over the bridge they cite, have a delineating white dotted line down the middle of them.
- Any jobs provided in a rural location, benefit the rural community irrespective of the location of any parent company.
- Disagreement with Norwell Parish Council comments as the scheme should be supported
- The redevelopment of Flaggs farm has only had a positive impact on the landscape of the surrounding area by removed the old asbestos sheds and

replacing them with high quality buildings can only be a good thing for the surrounding area.

- Government policy promotes rural economic growth and with change of use this introduces more local employment and diversification to local economic activity.
- Demand for warehousing is ever increasing
- Commitment to investing in rural areas locally.

- 6.14. One comment has been received neither supporting nor objecting to the proposals highlighting that 'the applicant has done everything they can to minimise the risk of extra traffic on the public roads.'

7.0 Comments of the Business Manager – Planning Development / Appraisal

- 7.1. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.
- 7.2. The key issues in determining this application are:
- The principle of development in the open countryside.
 - Impact on residential amenity.
 - Highway safety and parking.

Principle of Development

- 7.3. The application site lies within the open countryside as defined by the Development Plan. Core Strategy Spatial Policy 3 and A&DM DPD Policy DM8 strictly control development in the open countryside, restricting it primarily to uses requiring a rural setting. However, both policies offer support for rural diversification and the re-use of existing buildings. Policy DM8 states that proposals to diversify the economic activity of rural businesses will be supported where they contribute to the local economy, are complementary and proportionate, and utilise existing buildings where possible.
- 7.4. The NPPF also encourages sustainable economic growth, including the development and diversification of agricultural and other land-based rural businesses and the sustainable growth and expansion of businesses in rural areas, including through the conversion of existing buildings (Para 88).
- 7.5. The proposal seeks the change of use of two existing former agricultural buildings for B8 storage associated with the applicant's established rural business based nearby. The applicant states this represents farm diversification and business expansion to meet demand, supporting the rural economy and providing funds for re-investment

into the farm holding. The proposal utilises existing buildings with no external alterations.

- 7.6. While the use has commenced retrospectively, the principle of reusing existing rural buildings for employment purposes aligns with the objectives of Policy DM8 and NPPF paragraph 88 regarding rural economic development and diversification.
- 7.7. It is noted that a prior approval application under Class R (agricultural to flexible commercial use) was refused solely because the use had already commenced. The principle of the use itself, had it not been retrospective, may have been acceptable under permitted development rights, which lends weight to its acceptability under a full planning application.
- 7.8. The proposal will provide employment for 2 full-time staff. Given the use of existing buildings and its stated connection to an existing local rural business, the principle of the development is considered acceptable under ACS Spatial Policy 3, A&DM DPD Policy DM8, and NPPF Chapter 6.

Impact on Character and Appearance

- 7.9. Core Policy 9 requires development to be of high quality sustainable design appropriate to its context, while Core Policy 13 seeks to conserve landscape character. Policy DM5 requires development to reflect local distinctiveness and character. Policy DM8 requires development in the open countryside to not detrimentally impact the character of the location or its landscape setting.
- 7.10. The proposal involves the change of use of two existing modern-style farm buildings. No external alterations are proposed. The applicant notes the buildings have recently been re-clad and had new roller shutter doors fitted, enhancing their appearance. Associated parking is within the existing farm yard complex. As the proposal utilises existing buildings without external alteration, the development itself does not alter the physical appearance of the site or the wider landscape. The B8 use is functionally similar to the previous agricultural storage use in terms of its relationship with the surrounding countryside. Therefore, the impact on the character and visual amenity of the open countryside is considered negligible and therefore acceptable.

Impact on Residential Amenity

- 7.11. Policy DM5 states development should ensure no unacceptable reduction in amenity for neighbours, including overbearing impacts, loss of light, privacy, or disturbance. NPPF Paragraph 198 also requires impacts from noise to be mitigated and significant adverse impacts avoided.
- 7.12. The nearest residential property appears to be 'Apples Yard' to the east. The submitted Noise Assessment identifies this as the closest sensitive receptor.
- 7.13. The Noise Assessment concludes that potential noise from the B8 use (HGV movements, loading/unloading via forklift) would be similar to, or potentially less than, the lawful agricultural use, which is unrestricted in hours. Screening is provided by the buildings themselves. The B8 use involves storage of large items with likely

infrequent movements. The applicant proposes operating hours restricted to 08:00-18:00 Monday-Friday and 08:00-13:00 Saturdays, compared to potentially unsociable hours for agriculture. This restriction is considered beneficial in mitigating potential disturbance.

- 7.14. The Environmental Health Officer also confirms that the submitted Noise Assessment is acceptable on noise grounds. A restricting planning condition to limit the hours of operation would provide certainty and protect residential amenity (compared to the existing use). Given this, the impact on residential amenity is considered acceptable, particularly as there has been objections to the proposals received from neighbouring occupiers directly adjacent to the application site.

Highway Safety and Parking

- 7.15. Spatial Policy 7 of the Amended Core Strategy seeks to ensure development proposals are appropriate for the highway network and do not adversely affect safety. Policy DM5 of the A&DM DPD requires safe access and appropriate parking provision. NPPF Paragraph 116 advises that development should only be refused on highway grounds if there would be an unacceptable impact on safety or severe residual cumulative impacts.
- 7.16. Access to the site is via the existing established farm entrance onto Caunton Road. The submitted Block Plan shows provision for 8 car spaces (including 1 disabled bay), 2 HGV parking spaces, 1 motorcycle space, and 3 covered cycle spaces within the farm yard. The plan includes swept path analysis demonstrating that articulated lorries can park, turn, and exit the site in a forward gear.
- 7.17. Objections have been received from members of the public raising significant concerns about highway safety and the impact of HGV traffic associated with the B8 use. Specific concerns include:
- The suitability of Caunton Road and Norwell village lanes for increased HGV traffic, citing narrowness, damage to verges (especially during A1 diversions), and difficulty for HGVs and cars passing.
 - The safety of the access and lanes beyond the farm, including blind bends and potential conflict with horse riders on single-track sections.
 - The frequency of HGV movements compared to seasonal farm traffic.
 - Air pollution from lorries.
- 7.18. The Highway Authority (Nottinghamshire County Council) has assessed the proposal. In their formal response (report dated received 07/11/2024) and subsequent correspondence (email dated 03/03/2025), they confirmed the proposed parking and turning provision meets standards and is acceptable. They considered the existing access visibility adequate, particularly for movements north along Caunton Road. While acknowledging limitations for left turns into the site from the south, they deemed significant HGV traffic from this direction unlikely.
- 7.19. Regarding the concerns about increased traffic, the Highway Authority noted the B8 use's floorspace (934sqm) is significantly below the threshold (3000sqm) requiring a

formal transport assessment. They estimated traffic generation at potentially 1-2 HGVs in peak hours, which they considered comparable in vehicle classification and potential frequency to unrestricted agricultural vehicle movements (the site's lawful fallback position). They also highlighted the lack of recorded injury accidents in the vicinity between 1999 and 2023. Taking these factors into account, the Highway Authority concluded that the proposed change of use would not have a significant impact on highway capacity or safety compared to the existing/fallback agricultural use. They explicitly stated that based on the evidence, an objection on safety or capacity grounds would be difficult to defend, despite acknowledging Parish Council / resident concerns.

- 7.20. While residents' concerns about the suitability of the rural lanes and potential conflicts are noted, the assessment by the statutory Highway Authority, based on predicted traffic generation, accident data, and comparison with permitted agricultural use, concludes that the highway impact is acceptable. The issues regarding air pollution are not considered significant enough to warrant refusal in this specific context, given the low predicted HGV numbers and compared to agricultural vehicle movement, there is no evidence to suggest that is the case with any certainty.
- 7.21. Therefore, based primarily on the expert assessment of the Highway Authority, the proposal is considered acceptable in terms of highway safety, capacity, access, and parking provision, subject to conditions. The Highway Authority initially requested a condition securing the implementation and retention of the parking/turning areas. In later correspondence, they additionally requested a condition requiring the access drive to be surfaced with a hard, bound material for 20m back from the highway edge within 6 months of permission, to reduce mud/debris transfer. An informative regarding mud on the highway was also suggested. Subject to these conditions, the proposal is considered to accord with ACS Spatial Policy 7, A&DM DPD Policy DM5, and NPPF paragraph 116.

Other Matters

- 7.22. In terms of Flood Risk, the site is in Flood Zone 1 (low risk), consistent with NPPF guidance steering development to areas of lowest flood risk.
- 7.23. In terms of Biodiversity Net Gain, the development involves existing buildings and hardstanding. The Council's Ecologist confirmed the proposal falls under the *de minimis* exemption for Biodiversity Net Gain. No adverse ecological impacts are anticipated.
- 7.24. In terms of contaminated Land, Environmental Services raised no observations regarding land contamination, more so because the application relates to a change of use rather than operational development.
- 7.25. In terms of Economic Benefits, it should be noted that the proposal supports the diversification of a farm holding and the expansion of an existing local rural business, aligning with NPPF Chapter 6 and Policy DM8. It is expected to create 2 full-time equivalent jobs. These factors carry a positive weighting in the planning balance.

8.0 Implications

- 8.1. In writing this report and in putting forward recommendations' officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

8.2. Legal Implications – LEG2425/6141

- 8.3. Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

9.0 Conclusion

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF constitutes a significant material consideration and includes a presumption in favour of sustainable development.
- 9.2. The principle of reusing existing rural buildings for employment purposes that support farm diversification and the rural economy is supported by Policies SP3 and DM8 of the Development Plan and Chapter 6 of the NPPF. Although retrospective, the use itself aligns with these policy objectives.
- 9.3. The development involves no external changes to the buildings or the site's appearance, thus having a negligible impact on visual amenity and the character of the open countryside, satisfying Policies CP9, CP13, DM5 and DM8.
- 9.4. Potential impacts on residential amenity, primarily noise, appear acceptable based on the submitted Noise Assessment, which indicates noise levels are comparable to the previous unrestricted agricultural use. Restricting hours of operation via condition would further safeguard amenity, ensuring compliance with Policy DM5.
- 9.5. Highway impacts are considered acceptable, with adequate access and parking proposed, consistent with Policy SP7 and DM5, subject to conditions. No significant issues arise regarding flood risk, biodiversity, or contamination.
- 9.6. The proposal provides economic benefits through job creation and support for a local rural business.
- 9.7. Overall, the proposal represents sustainable development, reusing existing rural buildings for economic purposes with minimal environmental or amenity impacts. The benefits of supporting rural diversification and employment outweigh the limited harm associated with a B8 use in this location, particularly given the fallback agricultural position and proposed operational controls. The proposal accords with the Development Plan and the NPPF.

9.0 Recommendation

APPROVE subject to the following conditions:

10.0 Conditions

- 01** The development hereby permitted shall not be carried out except in accordance with the following approved plans:

Site Location Plan (ref: 0155-03 Rev C)

Block Plan (ref: 0155-02 Rev D)

Reason: For the avoidance of doubt and to ensure the development proceeds in accordance with the approved plans.

- 02** The premises shall be used for storage and distribution falling within Use Class B8 and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To define the permission and control the use of the premises in the interest of local amenity, having regard to its location in the open countryside.

- 03** The Use hereby permitted (Class B8) shall not operate outside the hours of 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays, with no operation on Sundays or Bank Holidays.

Reason: To protect the amenity of nearby residential properties, in accordance with Policy DM5 of the Allocations & Development Management DPD.

- 04** The vehicle parking and turning facilities shown on the approved Block Plan (ref: 0155-02 Rev D) shall be retained for the parking and turning of vehicles for the lifetime of the development and shall not be used for any other purpose.

Reason: To ensure adequate parking and turning provision is maintained to serve the development, in the interests of highway safety, in accordance with Policies SP7 and DM5.

- 05** The buildings and land forming the application site (as defined on Site Location Plan (ref: 0155-03 Rev C) shall only be used solely by Mr Pete Cook and/or the applicant's own businesses and shall not be occupied, used, or let to any third party without the prior written consent of the Local Planning Authority. The use of the buildings and land forming the application site is therefore restricted to the applicant and their associated businesses only, and any change in occupancy or use must be approved by the Local Planning Authority.

Reason: To limit use of the buildings to the applicant only having regard to the amenity of the area, in accordance with Policy DM5 of the Allocations & Development Management DPD.

- 06** Within 6 months of the date of this permission, the access shall be surfaced in a hard, bound material for a minimum distance of 20m behind the adopted highway boundary and shall be maintained thus for the lifetime of the development.

Reason: To reduce the chances of deleterious material and mud being transferred to the public highway, in the general interests of highway safety, in accordance with Policies SP7 and DM5.

Informatives

- 01** The applicant should note that this permission relates solely to the planning considerations of the proposed development. The granting of planning permission does not guarantee that any other necessary consents or permissions will be granted (e.g., Environmental Permits, Building Regulations).
- 02** In dealing with this application, the District Planning Authority has worked positively and proactively with the applicant, seeking solutions to problems arising in accordance with the National Planning Policy Framework.
- 03** The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner/occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or deleterious material is transferred onto the highway from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant/contractors / the owner or occupier of the land.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 24/01810/FUL



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Report to Planning Committee 8 May 2025
 Business Manager Lead: Oliver Scott – Planning Development
 Lead Officer: Ellie Sillah Senior Planner

Report Summary			
Application No.	24/01621/FUL		
Proposal	Change of use of land to form beer garden to include associated seating and structures, children's play area and associated car parking (retrospective) and proposed erection of glazed structure and associated landscape and bio-diversity/ecological enhancements		
Location	Old Volunteer Public House, 61 Caythorpe Road, Caythorpe		
Applicant	Mr Sean Reddington	Agent	Mr George Machin
Web Link	24/01621/FUL Change of use of land to form beer garden to include associated seating and structures, children's play area and associated car parking (retrospective) and proposed erection of glazed structure and associated landscape and bio-diversity/ecological enhancements Old Volunteer Public House 61 Caythorpe Road Caythorpe NG14 7EB		
Registered	09.10.2024	Target Date/Extension of Time	04.12.2024 EOT agreed until 12.05.2025
Recommendation	Refuse for the reason/s set out at Section 10.0 of this report.		

Procedural Matters

This application is being referred to Planning Committee by the Business Manager for Planning Development due to the high level of public interest in the application under the Planning Scheme of Delegation.

1.0 The Site

- 1.1 The application site comprises 'The Old Vol' public house and the surrounding land. The site lies within the Nottingham Green Belt and is located on the northern side of Caythorpe Road.

- 1.2 There is a former barn which has been converted to use as offices to the north-west – this has been identified as a historic building of local interest.
- 1.3 A public bridleway runs across the fields approximately 120m away to the east.
- 1.4 The site has the following constraints:
- Car Dyke (an open watercourse) runs immediately along the eastern side of the public house, and the site lies within Flood Zones 2, 3a and 3b.
 - The site lies within the Trent Valley Internal Drainage Board area.
 - Within the Nottingham-Derby Green Belt
 - Coal Authority Low Risk Area

2.0 **Relevant Planning History**

- 01/00435/FUL – Proposed extension to cellar. Approved, May 2001.
- 07/01148/FUL - Proposed single storey extension to rear and new entrance ramp and decking with awnings. Approved, October 2007.
- 07/01790/FUL – Single storey extension to rear. New entrance ramp and decking with awning (Re-submission). Approved, February 2008.
- 13/01733/FUL - Change of use of the storage area of the public house to new offices. Approved, January 2014.
- 15/02218/FUL - Refurbishment and alterations to provide first floor restaurant area. Inclusion of a first floor external terrace area. Approved, February 2016.
- 19/02083/FUL – Single storey extension to front elevation. Approved, January 2020.
- 22/02121/FUL - Erection of new retractable pergola system canopy structure in existing beer garden. Under consideration. Withdrawn, June 2023.
- 22/02067/FUL - Proposed First Floor extension at rear of existing public house to create new bar area. New external access stair. Withdrawn, June 2023.
- 24/00650/FUL - Change of use of land to form beer garden and erection of glazed structure. Refused for the following reasons:

01

In the opinion of the Local Planning Authority, the proposed glazed structure is a new building in the Green Belt which does not meet any of the exceptions allowed by paragraph 154 of the National Planning Policy Framework. It is therefore inappropriate development in the Green Belt which by definition is harmful to the Green Belt and which should not be approved except in very special circumstances, with no such very special circumstances applying in this case. Furthermore, it is of a modern design which fails to respect the local style and to use traditional materials, failing to protect and enhance the surrounding landscape. It also harms the openness of the Green Belt.

The development is therefore contrary to Spatial Policy 4B 'Green Belt Development', Core Policy 9 'Sustainable Design', Core Policy 13 'Landscape Character', Policy DM5 'Design' and fails to comply with paragraphs 152-156 of national Green Belt policy set out in the National Planning Policy Framework

(December 2023). It also fails to have regard to the Landscape Character Assessment SPD.

02

The proposal is for a use classified as 'more vulnerable' in the government's flood risk vulnerability classification within Flood Zone 3. In the opinion of the Local Planning Authority, insufficient information has been submitted to establish that the proposal would not be at unacceptable risk from flooding or that it would not increase the risk of flooding elsewhere.

The proposal therefore fails to comply with Core Policy 9 'Sustainable Design', Core Policy 10 'Climate Change' and Policy DM5 'Design'.

03

The development would add an additional 450 sqm of indoor space to the public house, which would be likely to increase the amount of custom and therefore the number of vehicles accessing the site. In the opinion of the Local Planning Authority, insufficient evidence has been submitted to establish that the proposal would not be harmful to the safety, convenience and free flow of traffic using the highway.

The proposal therefore fails to comply with Spatial Policy 7 'Sustainable Transport' and Policy DM5 'Design'.

3.0 The Proposal

- 3.1 The application seeks permission for the change of use of the land to the east of the pub to use as a beer garden. This includes the installation of various structures such as seating pods. In addition, there is a fenced off section for a children's play area/miniature village. To the western side of the public house is an area used for overflow car parking which has been hard surfaced. All of these elements of the proposal are retrospective.
- 3.2 The application also proposes the construction of a new single storey glazed structure within the beer garden. This is as per application reference 24/00650/FUL (however the previous application did not include the retrospective development).
- 3.3 The new building would have a footprint of approximately 450 sqm and would be approximately 2.9m high at its maximum. It would be constructed using glazed aluminium framed panels for the majority of the walls, with some limited areas of the walls would be finished using fixed horizontal slatted aluminium panels in neutral RAL-9001 ST (i.e. coloured cream / grey). The proposed site plan and proposed elevations are shown below:



3.4 Documents assessed in this appraisal:

- 2409 S02 200 REV P03 Proposed Elevations received 12th September 2025
- 2409 S02 400 REV P01 Visual Impact Assessment received 12th September 2025
- Flood Risk Assessment received 12th September 2024
- Flood Map received 13th January 2025
- 2409-S02-001-P03 Site Location Plan and Block Plan received 10th January 2025
- 1000B Proposed Site Layout received 10th January 2025
- 2409-S02-050-P03 Existing Site Plan received 10th January 2025
- 2409-S02-060-P03 Proposed Site Plan received 10th January 2025
- Landscape Enhancement Plan received 17th January 2025
- Area Analysis received 14th January 2025
- Flat Retractable Pergola Brochure

4.0 **Departure/Public Advertisement Procedure**

4.1 Occupiers of 248 properties have been individually notified by letter. A site notice has also been displayed near to the site.

4.2 Site visit undertaken on 10th January 2025.

5.0 **Planning Policy Framework**

5.1. **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 4A – Extent of the Green Belt
- Spatial Policy 4B– Green Belt Development
- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 9 -Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character
- Core Policy 14 – Historic Environment

5.2. **Allocations & Development Management DPD (2013)**

- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- DM9 – Protecting and Enhancing the Historic Environment
- DM12 – Presumption in Favour of Sustainable Development

5.3. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and was publicly examined in November. However, the outcome of the examination is not yet published and whilst the plan is at an advanced stage of preparation, there are unresolved objections to amended versions of the above policies emerging through that process. Therefore, the

level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4. **Other Material Planning Considerations**

- National Planning Policy Framework 2024
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Landscape Character Assessment SPD 2013

6.0 **Consultations and Representations**

- 6.1. Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations

6.2. **Environment Agency –**

We object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework (NPPF) and planning practice guidance (PPG). We recommend that planning permission is refused on this basis.

6.3. **Nottinghamshire County Council (Highways) –**

- 6.4. Most recent comments (received 18.2.25) The highway authority would have no objection to the planning application on highway capacity or safety grounds subject to planning conditions.

6.5. **Caythorpe Parish Council –**

- 6.6. (Raised concerns but neither object nor support)

- 6.7. Overall feeling that the garden was reasonable and a positive addition to the pub and presented few intrinsic difficulties when used considerately. It is well constructed and is especially attractive for young people and families. However, prior issues (late night noise in summer) have not been remedied and the addition of a covered outdoor space could facilitate large parties and weddings and was felt likely to worsen the intrusion in terms of traffic and noise. Despite being in favour of the outside space as a beer garden and children's play area, residents did not want to support further expansion due to noise concerns. The expansion of the site into the green belt was a subordinate but still significant issue, as was the creation of the car park on a meadow area, although the benefit of getting cars off the road and improving safety is acknowledged. Whether the social benefit of the enterprise supersedes the intrusion into the greenbelt is an issue the Parish expects the committee to evaluate. It is recognised the pub venue contributes positively to the local and wider economy.

Previous tenants of the pub have struggled to maintain a viable business, likely due to isolated location and nearby competitors. The support indicated by numerous positive comments demonstrates the success and value of the business but also illustrates the wide geographical area from which patrons travel. Many of those commenting enjoy an occasional visit but do not have to live next to the pub and experience the disturbance.

- 6.8. The preference of the PC (overall) was for the garden space to continue in its present form (ideally with reduced noise disturbance) with the natural limitations provided by season and weather to maintain a tolerable equilibrium between the needs of the business and quality of life for the community.

Representations/Non-Statutory Consultation

6.9. **NSDC Conservation –**

- 6.10. The property is considered to be a Non-designated Heritage Asset. Conservation has some concern about the impacts on the setting of the NDHA but acknowledge that a balanced judgement is required, and the impact does not have a direct impact on the historic planform or architectural character of the NDHA itself.

- 6.11. **NSDC Ecologist –** No comments received to date.

6.12. **NSDC Environmental Health –**

- 6.13. No objection in principle to change of use, however there have been complaints regarding loud music from the premises linked to music events held in the outdoor area, and is the subject of ongoing enquiries. Where permission is granted, a scheme for noise control measures could be dealt with by planning condition.

- 6.14. **NCC Lead Local Flood Authority –** No bespoke comments made.

6.15. **Trent Valley Internal Drainage Board –**

The Board maintained Car Dyke, an open watercourse, exists to the Western boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert. The Board's consent is required for any works, whether temporary or permanent, in, over or under, any Board maintained watercourse or culvert. The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required). The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this

planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

6.16. **Comments have been received from 235 third parties/local residents** including 190 comments of support, 42 objections, and 3 neutral comments which include positive and negative comments (these are included within the points below). The comments are summarised below:

6.17. **Support:**

- Friendly and welcoming – would be a great loss to surrounding community and villages
- Very popular venue - nice beer garden with dedicated children's area, great venture and place to go
- Beer garden set up is incredible with the children's area and the food is delicious
- Difficult to find venues as a family with small children with safe outside space for them to play whilst attending a pub – proposed structure would allow the space to be enjoyed in winter months also
- Outdoor space is inclusive
- Structure would allow business to thrive and provide employment
- Great asset to local area, well run establishment, no issues of antisocial behaviour
- Outdoor area gives chance for families to meet, relax and make memories
- Provides local employment and money to local amenities – economic growth
- Ancillary roles also created such as food marketing, management, health and safety and events management
- Huge decline in pubs over the years – businesses should be supported
- Lack of covered area is restrictive for autumn/winter months - Proposed structure can be used in all weathers
- Run some great family events, brilliant music - great place for special occasions
- Noise could be limited including a curfew (noise should not be reason to refuse the application)
- One of the best venues in the local area and Nottingham, people come from miles to visit
- Completely support expansion as local venue – fantastic team that will only get better with more employment opportunities

- Proposed structure not imposing nor overlooked and would reduce noise
- Benefits to local community and economy outweigh potential issues
- Worked here over summer – fulfilling, enjoyable and rewarding. Supportive team and competitive wages.
- Fantastic business, run really well
- Improvements made by latest owners are a credit to them – premium facility
- Supports local artists
- Objection from the EA is noted however in January 2024 there was unprecedented flooding yet Caythorpe Village was not flooded and The Old Vol was unaffected

6.18. Objections/Concerns:

- Proposed structure is inappropriate and not in keeping
- Noise pollution - concerns regarding noise from all year round events that would be held (based on events that have been held at the venue previously)
- Little consideration for neighbours, especially during summer months
- No evidence that new glazed structure would reduce/limit noise
- Concerns regarding additional traffic generated by events (potential accidents, speeding, increased disturbance)
- Located on 'blind bend'
- Transport Statement and supplementary document do not adequately assess the impact of the development on the highway network
- Pub garden and car park constructed on Green Belt without planning permission
- No very special circumstances - would set dangerous precedent for Green Belt
- Concern that proposal would increase flood risk in area
- Security and safety concerns for residents of dwellings adjacent to the carpark area
- Beer garden is modern in design and does not conserve the heritage style of the pub
- Negative impact on character of Caythorpe village and quality of life
- Glazed structure would be visually prominent
- Overdevelopment of rural site

- Limited bus service to Caythorpe, nearest train station is Lowdham (1/2 a mile away) and not safe for pedestrians – not sustainable location
- Insufficient parking provision
- Not well managed – excessive traffic, very little benefit
- Concerns regarding noise from construction
- Concerns about property prices in area
- Not welcoming, expensive, not 'village pub' - most users from outside of area
- Ecology concerns (field covered in hardstanding)
- Concerns of criminal activity (EG drink driving) and anti-social behaviour
- Village pub would be welcome but this venue is more suited to a city
- Unclear if planning permission is required for the events held at the venue such as 'Oktoberfest' and the 'Ibiza White Party'
- Existing problems with venue would be exacerbated by allowing glazed structure
- Noise impact assessment carried out in February when no event was on therefore is not accurate reflection
- Social media campaign initiated by The Old Vol misrepresents the current planning situation, implying Newark and Sherwood Council will be responsible for the closure of the Old Vol if the application is not approved.

7.0 Comments of the Business Manager – Planning Development

7.1. The key issues are:

1. Principle of development
2. Impact on visual amenity, heritage assets, landscape and the openness of the Green Belt
3. Impact on residential amenity
4. Highways impacts
5. Flood risk and drainage
6. Biodiversity

7.2. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through

both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

Principle of Development

Community Facility and Employment

- 7.3. Spatial Policy 8 of the Amended Core Strategy supports the enhancement of existing community facilities in the District, and aims to protect against their loss. The supporting text for the policy is clear that public houses are classed as a community facility. The proposed development (retrospective and proposed) is associated with the existing public house, The Old Vol, and would provide additional indoor/outdoor space that could be used all year round to support the local business and employment. A document has been submitted, titled 'Old Volunteer - Area Analysis', compiled by the applicant's accountant. The document provides a financial overview of the business. It sets out that between January 2024 to November 2024 the total local supplier spend by the business was £476,162.75. The local suppliers include various cleaning, catering, entertainment, food and produce companies, amongst others. At present, without the proposed glazed structure for the outdoor area, the business is operating at a loss during the winter months, which is the reason for the proposed structure. The glazed structure would allow use of this outdoor area all year round, increasing capacity for the pub. This would support the existing use as a public house, a community facility and local business, in line with the aims of SP8.
- 7.4. In addition to the glazed structure, the application seeks permission for the various structures on site, and the overflow parking area, that do not currently benefit from planning permission. The structures in the beer garden area to the east include 'pods' and timber structures, along with a miniature village children's play area. These structures and the car park are all associated with the public house and are considered to be an expansion of the existing use, in line with SP8.
- 7.5. Core Policy 6 supports development which provides local employment within the district. The Area Analysis documents states the garden has created/protected 45 jobs which have been filled by local people, and that the glazed structure would further increase the hours of work for those currently employed, as well as create 15 more jobs within the local area. It states that the loss of the garden area would see job losses and almost certain business closure. The proposal would increase employment within the area, protect existing jobs and in turn contribute to the local economy. As such, the proposal is in line with Core Policy 6.

Green Belt

- 7.6. Spatial Policy 1 'Settlement Hierarchy' of the Amended Core Strategy DPD sets out the settlement hierarchy for the District, with Caythorpe identified as an "other village". It also states that outside of Newark and identified Service Centres and Principal Villages, development within the Green Belt will be considered against Spatial Policy 4B 'Green Belt'.

- 7.7. Spatial Policy 4B 'Green Belt Development' of the Amended Core Strategy DPD states that development in the Green Belt not identified in this policy will be judged according to national Green Belt policy. SP4B does not mention the extension of existing businesses, or community facilities, therefore the decision maker is directed to the NPPF.
- 7.8. Part 13 of the NPPF seeks to protect Green Belt land and emphasises its importance. Paragraph 153 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness ⁵⁵. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.9. Paragraph 154 sets out that development in the Green Belt is inappropriate unless one of the following exceptions applies:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
 - h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;

- iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.
- 7.10. The proposal does not neatly fit within any of the exemptions listed with paragraph 154.
- 7.11. The beer garden (as constructed) is located immediately adjacent the public house to the east, and is bound by the round to the south, with heavy screening from trees and hedgerow to the boundaries. From the streetscene the beer garden is not readily visible. Due to the low heights of the seating pods and timber structures, and the proximity to the existing built form and road, it is not considered that it has a significant impact on the openness of the wider Green Belt.
- 7.12. The same can be said for the overflow car park area which is situated to the west of the building, adjacent to the road and the built form. It is not considered that this area has a significant contribution to the wider Green Belt or its openness, however given the nature of the use, the openness would only be visually affected at times when cars were parked in the area. As the overflow area, it is likely this car park would only be at capacity when events are held at the public house, therefore for the most part, it is not considered that the use of this land would significantly affect the openness of the Green Belt, and is acceptable in principle. In addition, an area of landscaping is proposed to the north of the car park area, which would add further screening from the wider Green Belt.
- 7.13. The proposed glazed structure would be the largest structure within the beer garden and although 'lightweight' in design, would be a new building, therefore inappropriate development within the Green Belt by definition. The structure would be located centrally, between two of the existing timber structures within the garden (a bar and toilet block), and would measure a maximum of 33.3m in width, 16m in depth, and 2.9m in height with a flat roof. The majority of the elevations would be glazed therefore would have a lightweight appearance. Plus, the position of the structure in close proximity to the public house and Caythorpe Road, would minimise any potential impact on the openness of the Green Belt.
- 7.14. Although it is considered the proposal would not have a significant impact on the wider Green Belt and its openness for the reasons set out above, the new development by definition (according to paragraph 153 of the NPPF) would be inappropriate, and should not be approved unless very special circumstances exist. This is discussed below.

Very Special Circumstances

- 7.15. There is no definition for what can and cannot be considered very special circumstances, however previous decisions across the country have considered economic benefits and community benefits to equate to very special circumstances in certain instances.
- 7.16. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The submitted document, 'Old Volunteer - Area Analysis', demonstrates that without the beer garden and proposed glazed structure, the business would be running at a loss, and without it, the business could not continue in the long term. The glazed structure would increase the capacity of the public house, allowing it to operate and use the outdoor space all year round. It would create 15 additional jobs, as well as safeguard the existing employees of the business.
- 7.17. There has been significant public interest in this application with well over 200 comments being submitted, with a significant proportion in support of this application (comments are summarised in the comments section earlier in this report). The objections from local residents are noted (and discussed within the relevant sections of this report) however there is strong support for the local business, which in turn contributes to the local economy through local spend (detailed in the document), amounting to £476,162.75 last year (2024).
- 7.18. The purpose of SP8 is to protect and enhance leisure and community facilities, and to prevent the loss of existing facilities. Approving the application would be in line with the aims of this policy. In addition, Core Policy 6 seeks to strengthen the economy of the District through maintaining and enhancing the employment base of our towns and settlements, including their town and village centres, and supporting the economies of our rural communities. As an existing business, the proposal would support the existing employment and increase local employment opportunities, therefore would accord with Core Policy 6.
- 7.19. The NPPF also strongly supports economic growth. Paragraph 85 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 88 sets out that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings; as well as the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- 7.20. It is acknowledged that the previous planning application was refused on grounds relating to the Green Belt, however the application was materially different in that no very special circumstances had been put forward as part of the submission.

- 7.21. Taking all of the above into account, it is considered that the harm identified to the Green Belt (inappropriate development by definition) would be outweighed by the economic benefit to local suppliers, the continued provision of local employment, plus additional jobs as a result of the proposal, and the benefit of retaining and enhancing an existing community facility. These benefits together are considered to amount to very special circumstances and therefore the proposal would be acceptable in principle. The site specific impacts of the proposal are discussed below.

Impact on Visual Amenity and the Character of the Area

- 7.22. Core Policy 9 ‘Sustainable Design’ of the Amended Core Strategy DPD requires new development proposals to, amongst other things, “achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments”. In accordance with Core Policy 9, all proposals for new development are assessed with reference to Policy DM5 of the Allocations & Development Management DPD, which, amongst other things, require new development to reflect the rich local distinctiveness of the District’s landscape and character through scale, form, mass, layout, design, materials and detailing.
- 7.23. Core Policy 14 ‘Historic Environment’ of the Newark and Sherwood Core Strategy DPD requires the continued conservation and enhancement of the character, appearance and setting of the District’s heritage assets and historic environment, in line with their identified significance.
- 7.24. Policy DM9 ‘Protecting and Enhancing the Historic Environment’ of the Allocations and Development Management DPD states that all development proposals affecting heritage assets and their settings should utilise appropriate siting, design, detailing, materials and methods of construction.
- 7.25. Policy DM5 ‘Design’ of the Allocations and Development Management DPD states that all proposals for new development shall be assessed against a number of criteria, including a requirement that new development must reflect the rich local distinctiveness of the District’s landscape and character through scale, form, mass, layout, design, materials and detailing.
- 7.26. Core Policy 13 states that, based on the assessment provided by the Landscape Character Assessment SPD, the Council will work with partners and developers to secure new development which positively addresses the implications of relevant landscape Policy Zone(s), ensuring that landscapes have been protected and enhanced.
- 7.27. The visual impact of the building would be mitigated to at least some degree by its limited height of just 2.9m, lightweight design, and screening to the boundaries of the site. The change of use to a beer garden to the east and the car park to the west are retrospective. Photos of the site taken from Caythorpe Road are shown below. As can be seen in the photos, there is existing screening which reduces the visual impact of

the proposal. It is not considered that the proposed glazed structure, although large in footprint, would be readily visible or prominent from the street scene.



- 7.28. The glazed structure would have the most impact within the site itself. The Old Volunteer Public House is an attractive and characterful building which is considered to be a non-designated heritage asset due to its historic interest, architectural interest and aesthetic appeal. While it has been extended over time, the historic planform and architectural character of the building is still clearly legible.
- 7.29. The use of a flat roof and modern materials such as aluminium framed glazing and aluminium panels within a metal frame would not be reflective of the traditional character of The Old Volunteer itself, nor the majority of the buildings along this part of the Caythorpe Road.

- 7.30. Nonetheless, paragraph 209 of the NPPF advises that in weighing applications which affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.
- 7.31. Given the lightweight design and limited height of the proposed structure, it is not considered that the impact on the setting would be unacceptable.
- 7.32. The Council's Landscape Character Assessment SPD identifies the surrounding landscape as forming part of the Trent Washlands Regional Character Area, with the site itself located in the Caythorpe and Gonalston Meadowlands Policy Zone. The SPD identifies this as an area of landscape to be conserved.
- 7.33. As regards the built features of the environment, the SPD lists a number of actions, including:
- Conserve and reinforce the local character of Caythorpe and Gonalston by ensuring future development respects the local style, scale, and the use of traditional materials.
 - Conserve the existing field pattern by locating new small scale development within the existing field boundaries.
- 7.34. Although the proposal would expand the public house use to the east and west, the boundaries would be retained. The use would not encroach northwards into the wider landscape and on balance, it is considered the visual impact would be acceptable.

Impact upon Residential Amenity

- 7.35. Policy DM5 'Design' of the Allocations and Development Management DPD states that separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. It also states that development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.
- 7.36. Given that the proposal would be set back from the nearest neighbouring dwelling by approximately 55m, there would be no harm residential amenity through being overbearing or causing an unacceptable loss of light or privacy.
- 7.37. It is acknowledged that the fact that the majority of the walls of the proposed building would be glazed, and this is likely to reduce their sound insulation. The majority of objections received relate to concerns regarding noise due to events that are held at the venue. There are concerns that the glazed structure would allow events to be held all year round (rather than just the summer months) and that this would cause disturbance and exacerbate existing issues. The proposed structure would not directly result in excessive noise, however it is acknowledged that it would provide the means for the applicant to hold events, potentially with live music, throughout the year as it would no longer be weather permitting (as it is currently). The Environmental Health Officer has reviewed the application and recommended a condition to secure noise mitigation measures if the application is to be approved. This is considered reasonable

and therefore subject to a suitably worded condition, it is considered the noise impacts of the proposal would be acceptable.

- 7.38. In addition, the separation distance to nearby dwellings is considered to be sufficient that the general background noise of people using a pub would not be harmful to residential amenity either.
- 7.39. Given the above, the proposal would accord with Policy DM5 and Part 12 of the NPPF regarding amenity.

Impact upon Highway Safety

- 7.40. Spatial Policy 7 'Sustainable Transport' of the Amended Core Strategy DPD requires development proposals to provide safe, convenient and attractive access for all, to be appropriate for the highway network, and to ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. They should provide appropriate and effective parking.
- 7.41. Policy DM5 'Design' of the Allocations and Development Management DPD states that provision should be made for safe and inclusive access to new development.
- 7.42. The previous application (which was refused on highways grounds due to insufficient information) did not include the retrospective car park area to the west of the pub. This area has been included as part of the redline of the site location and forms part of the current application. Parking provision is now more than sufficient for the proposed increase in floorspace that would be created by the structure.
- 7.43. NCC Highways has been consulted on the application. Although a number of concerns were raised regarding the existing access, and the location of the public house (not a sustainable location), the most recent comments recommend 6 conditions that would address the concerns should the application be approved. In summary these include:
 - 2 Conditions to ensure the parking is provided as shown on drawing number MA12040-1000-Rev B, surfaced in bound material and retained for the lifetime of the development;
 - Condition requiring improvements to the existing access in the interest of highway and pedestrian safety;
 - Condition ensuring the turning space is surfaced in a hard bound material (to prevent loose material being deposited onto the public highway);
 - Condition to secure provision of cycle storage; and
 - Condition for a car park management plan to be submitted to set out management of the car park when events are held at the venue.
- 7.44. The conditions are considered reasonable and would be attached if approved.
- 7.45. The comments stating that the location of the site is not sustainable have been considered, however given the fact that the pub is an existing community facility, it

already largely relies on the use of private vehicles. Therefore, providing there are no critical issues with highway capacity or safety (in which case the Highways Authority would have objected), it does not seem reasonable to refuse the application on grounds of location.

- 7.46. Concerns from local residents regarding highway capacity have been raised in numerous objections, however as there is no objection from the Highway Authority, it is not considered that the potential increase in traffic would be unacceptable, or should be a reason to refuse the application.

Flood Risk and Drainage

- 7.47. Core Policy 9 'Sustainable Design' of the Amended Core Strategy DPD states that new development will be expected to demonstrate a high standard of sustainable design, setting out a number of specific requirements, including the pro-active management of surface water.
- 7.48. Core Policy 10 'Climate Change' states that the Council is committed to tackling the causes and impacts of climate change, including through steering new development away from those areas at highest risk of flooding, and also through ensuring that new development positively manages its surface water run-off to ensure that there is no unacceptable impact in run-off into surrounding areas or the existing drainage regime.
- 7.49. Policy DM5 'Design' states that all proposals for new development shall be assessed against a number of criteria, including the avoidance of areas at highest risk of flooding.
- 7.50. Paragraph 170 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 7.51. The site is located within Flood Zones 2, 3a and 3b, with the proposed glazed structure and beer garden located in 3b. The proposal is for a building to be used as an extension of the pub, which is classed as a 'more vulnerable' use in the government's vulnerability classification.
- 7.52. The Environment Agency has objected to the proposal as it is located within the functional floodplain (Flood Zone 3b) which is land defined by the PPG as having a high probability of flooding. NPPF Annex 3 classifies development types according to their vulnerability to flood risk. PPG Table 2 provides guidance on which developments are incompatible with certain Flood Zones.

Table 2: Flood risk vulnerability and flood zone ‘incompatibility’

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	X	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	X	X	X	✓ *

Key:

✓ Exception test is not required

7.53. X Development should not be permitted

7.54. The development contains a mix of uses classed as more vulnerable (“drinking establishments”) and less vulnerable (“car parking”) in accordance with Annex 3 of the NPPF. Table 2 of PPG makes it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.

7.55. The car parking area to the north of the building, sits within the 1 in 30-year flood extent and is therefore within Flood Zone 3b (functional Floodplain) therefore in conflict with Table 2 of the PPG. The parking includes provision for disabled and motorbike parking. This creates concern that more vulnerable people would be trying to access their vehicles during a flood event, putting them at increased risk of being unable to evacuate or becoming stuck while trying to evacuate in vehicles. Vehicles can begin to float in less than 60cm of water- less if it is fast-flowing- this area of parking puts many vehicles at risk of floating, particularly motorbikes which would more easily become mobile and therefore a risk to people and other vehicles in the area. The location of this parking puts third party property at risk of flooding and would draw people into the area to use and rescue their cars, creating an increased risk to people.

7.56. The parking area described above in Flood Zone 3b is the existing area used for parking. The proposed area to the west is mostly in Flood Zone 2 according to the maps, therefore alternative, safer parking would be provided as a result of the proposal. It is noted however there is no intention of closing the existing parking area therefore flood risk would still be an issue.

7.57. The beer garden and proposed glazed structure would also be located within the functional floodplain (3b). This is development also incompatible with the Flood Zone designation. People would be encouraged to congregate in an area at high risk of

flooding in lower return period events (more frequent flood events). It is also a location where the only access/egress from the beer garden are bridges across the watercourse that would be in flood, putting people at risk during evacuation. The proposed covered seating area is a new solid structure within the functional floodplain. This would provide all year-round occupancy to the space which puts people at risk during the winter months when flooding more frequently occurs. This new solid structure within the functional floodplain would deflect flood flows which could increase the flood risk to third parties.

- 7.58. To overcome the EA's objection, it has been advised that the applicant should relocate the incompatible uses to an area outside the functional floodplain (1 in 30-year flood extent from the Cocker Beck).
- 7.59. The beer garden is retrospective, and it is not clear where the beer garden could be relocated to without potentially causing new or additional issues (such as bringing noise closer to residential dwellings, or reducing parking capacity). The applicant, and local residents, have stated that the site has never flooded (to their knowledge), however for the purposes of the planning application the flood data from the Environment Agency should be used. No evidence has been provided to show that the site does not flood or should not be classified as Flood Zone 3b.
- 7.60. A unilateral undertaking was suggested by the agent to contribute a sum of money to the Lowdham Flood Action Group, which would have a positive impact, however there are no specified works to mitigate the direct impact of the proposal.
- 7.61. Paragraph 58 of the NPPF sets out that planning obligations must only be sought where they meet all of the following tests:
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 7.62. The proposed contribution is not considered to meet the above tests and therefore would not be a solution to overcome the objection from the Environment Agency, or ensure flood risk is not increased as a result of the proposal.
- 7.63. The submitted flood risk assessment sets out proposed mitigation measures (such as raised floor levels for the structure) and concludes that subject to those measures the proposed development would not be at significant flood risk nor increase the risk of flooding to others. This may be true, however the FRA does not address the sequential test (which even if limited to the site would not be passed as parts of the site are within Flood Zone 2). In addition, Table 2 from the PPG is included within the FRA which clearly sets out that 'more vulnerable' development in Flood Zone 3b should not be permitted.
- 7.64. Based on the above, the proposed use and glazed structure would be inappropriate development within the functional floodplain, and it cannot be concluded that the

development would be safe for its lifetime without increasing flood risk elsewhere. Therefore, the proposal would not comply with Core Policy 10, DM5, or Part 14 of the NPPF (and the PPG).

7.65. Ecology and Biodiversity Net Gain

7.66. Core Policy 12 of the Amended Core Strategy DPD deals with Biodiversity and Green Infrastructure and states that the Council will seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity.

7.67. Policy DM5 (Design) of the Allocations & Development Management DPD states (in part 5) that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

7.68. Policy DM7 of the Allocations & Development Management DPD deals with Biodiversity and Green Infrastructure, requiring new development to protect, promote and enhance green infrastructure to deliver multi functional benefits and contribute to the ecological network.

7.69. No comments have been received to date from the Council's ecology team.

7.70. The proposal is exempt from biodiversity net gain, as a retrospective planning permission application made under section 73A of the Town and Country Planning Act 1990.

7.71. Nonetheless, the current proposal includes some landscape and biodiversity enhancements to the west part of the site, and the north and east boundary, including native hedgerow planting, new grassland, and additional native trees planting. If the application was to be approved further detail and implementation could be secured by condition.

7.72. Comments have been received noting concern for wildlife considering no ecology appraisals were carried out prior to the aggregate being laid or prior to the construction of the beer garden.

7.73. Although the retrospective nature is not something to be encouraged, it is not considered there would be any protected species harmed (no demolition has taken place and no trees taken down). Given that the proposed structure would be within the beer garden, which is retrospective, it is not considered the structure would result in any additional impact on wildlife and biodiversity within or near to the site.

7.74. Subject to the implementation of the landscaping (which would be secured by condition) the proposal would be in line with Core Policy 12 'Biodiversity and Green Infrastructure' of the Amended Core Strategy DPD (adopted March 2019) and Policies DM5 'Design' and DM7 'Biodiversity and Green Infrastructure' of the Allocations & Development Management DPD (adopted July 2013).

7.75. Other Matters Raised in Representations

- It is not unlawful to submit a retrospective planning application, and such

applications must be considered individually on the basis of their planning merits, irrespective of their retrospective status.

- The comments regarding the ‘misleading’ social media campaign are noted, however the proposal has been assessed in line with the Council’s Development Plan and the NPPF based on the submitted information and plans. The high number of comments has informed the decision to refer the application to the planning committee, however, has not altered how the application has been assessed or the recommendation. The assessment has considered relevant planning matters which have all been weighed in the planning balance in accordance with the NPPF.

8.0 Implications

- 8.1. In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

8.2. Legal Implications – LEG2425/2949

- 8.3. Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application

9.0 Conclusion

- 9.1. In summary, the proposal for the change of use of land to a beer garden and car park area, and the construction of a glazed structure within the beer garden is considered, on balance, acceptable in principle due to very special circumstances including safeguarding and enhancing a local community asset and business, and the economic benefits in terms of local spend and employment. These benefits together are considered to amount to very special circumstances that outweigh the harm to the green belt that would occur as a result of the new glazed structure and beer garden. It is not considered there would be a significant impact on the openness of the Green Belt, or the character of the wider area and landscape due to the proximity to the existing built form, the public highway, low height of the structure, and existing and proposed screening from trees and hedgerow.
- 9.2. Comments from local residents include a high level of support for the venue, as well as objections from locals, mostly raising concerns with noise and highways safety. Noise and impact on amenity were not reasons for refusal on the previous application for the glazed structure, and the Council’s Environmental Health officer has commented that a condition would be sufficient to ensure noise mitigation measures are implemented. As such, the impact on amenity is considered acceptable (subject to condition).

- 9.3. In terms of Highways, the previous reason for refusal has been overcome by including the retrospective car parking area in the application to provide sufficient parking, and NCC Highways recommending conditions to ensure safe and suitable access. Subject to the conditions, the impact on the highways network and safety would be acceptable.
- 9.4. Although the proposal is largely retrospective, during the lifetime of the application the applicant has worked positively and proactively with the Council to try and resolve some of the issues raised with the previous application, and it is considered that the Green Belt issue and Highways issue have been resolved subject to conditions. However, the applicant and agent were aware that the site (and specifically the beer garden, children's play area, and location for the proposed structure) is located in flood zone 3b (functional flood plain) whereby the proposed development is regarded as incompatible and should not be approved. This is not an issue that can easily be overcome. Had the application not been retrospective, there may have been an opportunity to relocate the proposed garden and structure to an area at lesser risk of flooding, and the other benefits of the proposal (noted above) may have outweighed the flood risk.
- 9.5. Given the concerns and objection from the Environment Agency due to the location in Flood Zone 3b, it is recommended that the application is refused. It is acknowledged that in this instance there will be repercussions in terms of enforcement action, and for the business, considering the amount of money invested to date to construct the beer garden, however there will be the opportunity to appeal the decision and the retrospective nature of the application should not impact how the development is assessed (positively or negatively). Carrying out development without first obtaining planning permission is done at the risk of the developer.
- 9.6. It is also noted that the comments from the Parish Council are not opposed to the development that has taken place to date, but do object to the proposed structure.
- 9.7. The suggestion was put forward to the agent to omit the structure and simply apply for what is there, however after speaking with the Environment Agency, although the omission of the structure would be a preferable option (as there would be less obstruction for flood waters) they would still maintain their objection.
- 9.8. Considering the financial matters set out in the Area Analysis document, the applicant chose to continue with the application with the proposed structure included.
- 9.9. To conclude, the proposal represents incompatible development within Flood Zone 3b therefore would increase flood risk for users of the development, and within the surrounding area. The proposal is therefore contrary to Core Policy 9 'Sustainable Design', Core Policy 10 'Climate Change' and Policy DM5 'Design' and Part 14 of the NPPF.

10.0 Reason for Refusal

01

The proposal is for a use classified as 'more vulnerable' in the government's flood risk vulnerability classification, and would be located within Flood Zone 3b (the functional floodplain) whereby development should not be permitted in accordance with Table 2 of the PPG. No sequential test has been carried out, which if limited to the application site, would demonstrate there are areas at a lower risk of flooding, and would not be passed. The development is therefore inappropriate development in Flood Zone 3b and it has not been demonstrated that the development would be safe for its lifetime without increasing flood risk elsewhere. Therefore, the proposal does not comply with Core Policy 9 'Sustainable Design', Core Policy 10 'Climate Change' and Policy DM5 'Design' and Part 14 of the NPPF (and the PPG).

Informatives

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason for refusal. However, the Council has worked positively and proactively with the applicants to overcome previous reasons for refusal.

02

For the avoidance of doubt, this application has been refused on the basis of the following drawings and additional information:

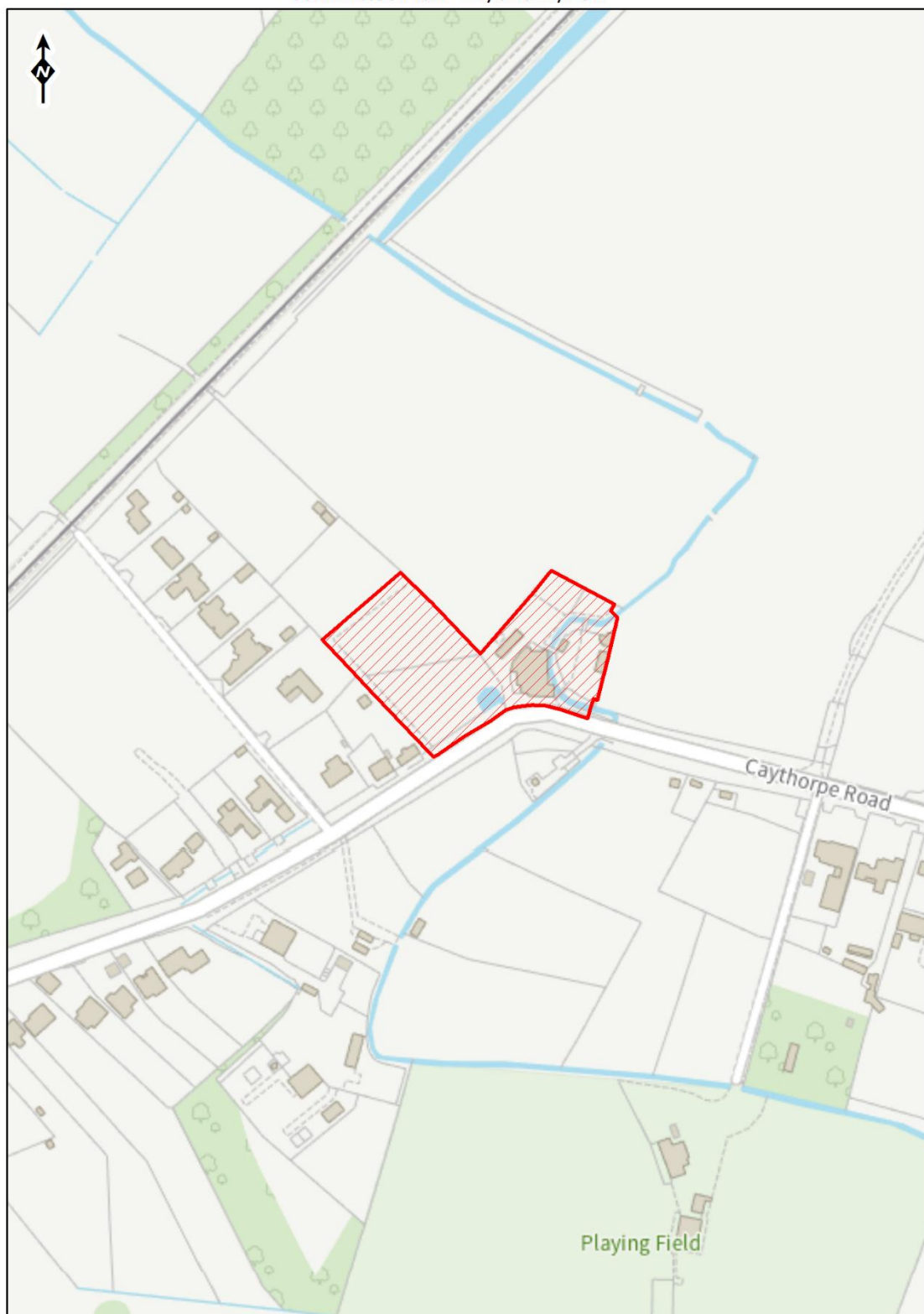
- 2409 S02 200 REV P03 Proposed Elevations received 12th September 2025
- 2409 S02 400 REV P01 Visual Impact Assessment received 12th September 2025
- Flood Risk Assessment received 12th September 2024
- Flood Map received 13th January 2025
- 2409-S02-001-P03 Site Location Plan and Block Plan received 10th January 2025
- 1000B Proposed Site Layout received 10th January 2025
- 2409-S02-050-P03 Existing Site Plan received 10th January 2025
- 2409-S02-060-P03 Proposed Site Plan received 10th January 2025
- Landscape Enhancement Plan received 17th January 2025
- Area Analysis received 14th January 2025
- Flat Retractable Pergola Brochure

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 24/01621/FUL



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Report to Planning Committee 8 May 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Ellie Sillah, Senior Planner x5267

Report Summary			
Application Number	25/00512/PIP		
Proposal	Application for permission in principle for a residential development of between two and four dwellings following the demolition of agricultural buildings.		
Location	Smallholding Rear Of 55 Beacon Hill Road Newark On Trent NG24 2JH		
Applicant	Mr Richard Griffin	Agent	TOWN-PLANNING.CO.UK Anthony Northcote
Registered	3rd March 2025	Target Date/EOT	7th April 2025/10 th May 2025
Recommendation	Grant Permission in Principle		

Link to Planning Application website:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=STH35TLB04M00>

Procedural Matters

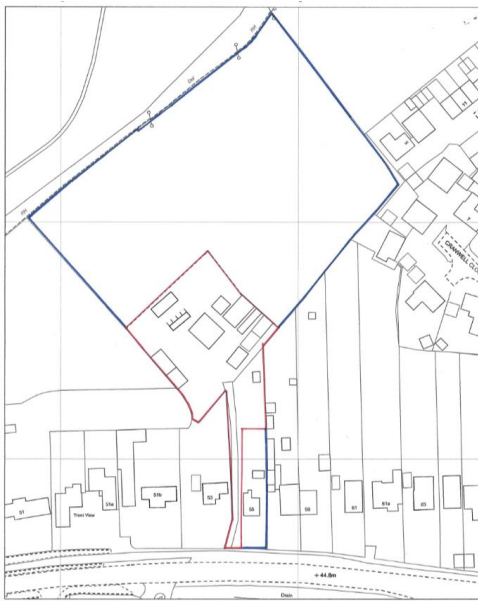
Departure from the Development Plan.

This application is being referred to the Planning Committee for determination as the recommendation is contrary to the Development Plan (contrary to Policy DM8 – Development in the Open Countryside).

1.0 The Site

- 1.1 The application site is located to the north of 55 Beacon Hill Road, and just outside the defined Urban Boundary of Newark Urban Area (as defined on the Policies map) aside from the access. The site is not within a conservation area, is not nearby to any listed buildings, and is not within an area at high risk of flooding (from rivers or surface water).
- 1.2 To the north of the site is Beacon Hill Conservation Park. There is built form to the south, with some built form to the east (residential). To the west and north is open countryside.

1.3 The site location plan is shown below:



1.4

1.5 The site has a range of redundant agricultural buildings (the agricultural use was last operated around 30 years ago). The buildings are single storey in scale and are not of any architectural or historical merit. Photos of the site are shown below:





1.6 The site has the following constraints:

- Open countryside
- Adjacent Beacon Hill Conservation Park

2.0 Relevant Planning History

2.1 No recent planning history.

3.0 The Proposal

- 3.1 This application seeks permission in principle for residential development of 2 to 4 dwellings, following demolition of the agricultural buildings on site.
- 3.2 The proposed dwellings would share use of the existing access off Beacon Hill Road through a shared private drive. As the proposal is for permission in principle, no elevational details or plans have been submitted at this stage – details would be considered at the Technical Details Consent stage if permission in principle is approved.
- 3.3 Documents assessed in this appraisal:
- Planning Statement February 2025
 - Application Form received 21 March 2025
 - Site Location Plan received 21 March 2025

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 13 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.
- 4.2 Site visit undertaken on 04.04.2025.

5.0 Policy Planning Framework

- 5.2 Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 7 - Sustainable Transport
Core Policy 9 -Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
NAP1 - Newark Urban Area

- 5.3 Allocations and Development Management DPD (2013)

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM8 – Development in the Open Countryside
DM12 – Presumption in Favour of Sustainable Development

- 5.4 The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation. The DPD was examined in November 2024 albeit the Inspector's report is awaited. There are unresolved objections to amended versions of the above policies emerging through that process, and so the level of weight which those proposed new

policies can be afforded is currently limited. As such, the application has been assessed against the adopted Development Plan.

5.5 Other Material Planning Considerations

National Planning Policy Framework 2024
Planning Practice Guidance (online resource)

6.0 **Consultations and Representations**

Please Note: Comments below are provided in summary - for comments in full please see the online planning file.

Newark Town Council: Object to the application on grounds of DM5 (over intensification within a conservation area)

Representations/Non-Statutory Consultation:

6.1. Comments have been received from 4 third parties/local residents that can be summarised as follows:

- Unsuitable development – adjacent to Beacon Hill Nature Reserve
- Development will be visible from conservation area
- Contrary to Council policies as expressed in pre-application advice
- Concern over road safety on busy road
- Backland development similar to 23/01125/FUL and 22/01517/FUL which were both refused
- Narrow access will lead to houses at the rear – concerns of further development on north side of Beacon Hill as a result
- Site is very close to Newark tip
- Increase in traffic
- Concerns for wildlife on and adjacent to site
- Safety concern due to 'spongy' soil type and stability

The above matters are addressed within the appraisal section of this report.

7.0 **Appraisal**

7.1 The key issues are limited to the following (all other issues would be dealt with at Technical Details Stage if permission in principle is approved):

- Location
- Land Use
- Amount of Development

7.2 The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless

material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

Principle of Development

- 7.3 This type of application requires only the principle of the proposal to be assessed against the Council's Development Plan and the NPPF. The 'principle' of the proposal is limited to location, land use, and the amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Any other details regarding the development are assessed at the second stage of the process under a 'Technical Details Consent' application which must be submitted within 3 years of the Permission in Principle decision (if approved).

Location

- 7.4 Spatial Policies 1 and 2 of the Amended Core Strategy set out the spatial distribution of growth for the district. The focus for growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages'. In accordance with Spatial Policy 3, proposals outside of settlements and villages, within the open countryside will be assessed against Policy DM8 of the Allocations and Development Management DPD.
- 7.5 The site is located just outside of the Newark Urban Boundary as defined on the Policies Map therefore as a matter of principle is within the open countryside. The proposal is for the removal of the existing agricultural buildings and the construction of 2-4 new dwellings. Policy DM8 strictly controls development within the open countryside and only supports new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and are sensitive to the defining characteristics of the local area.
- 7.6 Paragraph 84 of the NPPF seeks to avoid the development of isolated homes in the countryside unless certain circumstances apply. This includes where the development would re-use redundant or disused buildings and enhance its immediate setting.
- 7.7 The existing site comprises redundant agricultural buildings, however the scale of the buildings (mainly height) is not practical for conversion to residential, and therefore would not be capable of being re-used as dwellings. Notwithstanding the above, it is not considered the site is in an isolated position, as it is located directly adjacent to the Newark Urban Boundary.
- 7.8 The existing buildings are not of historic or architectural merit and are constructed in breeze block, metal sheeting and timber. All of the structures are single storey. There is no objection to the removal of the buildings. In relation to the construction of 2-4 new dwellings, it is not proposed that these would be of 'exceptional or innovative design' therefore there is no provision in Policy DM8 to support the development.

Land Use

- 7.9 As above, Policy DM8 does not support the proposed use on the site for residential development. Nonetheless it is acknowledged that the site is immediately adjacent to the boundary of Newark Urban Area (the Sub-regional centre) whereby new development is directed first and foremost as a sustainable location. The site is also adjacent to a predominantly residential area (to the rear of dwellings on Beacon Hill road). As such, despite the conflict with DM8 in terms of location, the residential use would complement the surrounding use of the area.

Amount of Development

- 7.10 The application proposes between 2 and 4 dwellings. The site covers approximately 2873sqm (including the access). The main part of the site where the agricultural buildings are currently sited is approximately 2245sqm in area. This equates to 0.22 hectares. The generally accepted density for new residential development within the District is 30 dwellings per hectare. The maximum number of dwellings on site would be 4, which equates to an approximate density of 18 per hectare. Given the rural, edge of settlement location, this maximum is considered acceptable, as any higher density would likely result in an unacceptable visual impact (this would be a matter for the Technical Details Consent stage).
- 7.11 It is also noted that the access would be a shared drive, which would be private. The maximum number of dwellings that NCC Highways would usually support with a private access is 5. Therefore, a maximum number of 4 dwellings (plus the existing dwelling) would be acceptable in principle.
- 7.12 The fact that the proposed amount is considered acceptable in principle does not automatically mean that a scheme of 4 dwellings would be acceptable on site – site specific matters including (but not limited to) scale, design, and layout would all be considered at Technical Details Stage.

Council's Position on 5 Year Housing Land Supply and the Presumption in Favour of Sustainable Development

- 7.13 Due to the location, the proposal would usually be refused as the principle of development is contrary to DM8. However, paragraph 11 of the NPPF (2024) sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date ⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination ⁹.

- 7.14 Footnote 8 (in relation to out of date policies) states, ‘this includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites.’
- 7.15 The Council’s current position is that it can demonstrate a total housing land supply of 3.43 years. The Council cannot demonstrate a 5 year housing land supply, therefore, in line with paragraph 11 and footnote 8, the presumption in favour of sustainable development should be applied. The application should only be refused where there would be adverse impacts that would significantly outweigh the benefits.
- 7.16 Given the above, the Council’s development plan is not up-to-date in relation to housing delivery for the purposes of decision making. The District’s housing targets have significantly increased, and this is a material consideration which carries significant weight. This means that if the site is considered sustainable and the proposal would make effective use of the land, there would need to be significant adverse impacts to refuse the proposal.
- 7.17 In this instance, the location is directly adjacent to the boundary of Newark Urban Area (with the access included within the boundary off Beacon Hill Road), whereby development is directed as a sustainable location. The land is currently occupied by disused, dilapidated agricultural buildings, therefore utilising the land for residential development, adjacent to existing residential development would be an effective use of the land. Considering the close proximity to the urban boundary, the site is considered a sustainable location for residential development, and with the presumption in favour of sustainable in mind, is acceptable.

Technical Details Consent

- 7.18 The Technical Details Consent application is required to be submitted within three years of the decision date. Policy DM5 of the DPD sets out the criteria for which all new development should be assessed against. These include (but are not limited to): safe and inclusive access, parking provision, impact on amenity, local distinctiveness and character, biodiversity and green infrastructure, and flood risk.
- 7.19 The Technical Details Consent application would need to carefully consider these criteria.
- 7.20 Impact on Visual Amenity and the Character of the Area
- 7.21 Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment. Policy DM5 requires the local distinctiveness of the District’s landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

- 7.22 Core Policy 13 seeks to secure new development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced.
- 7.23 Paragraph 135 of the NPPF states inter-alia that development should be visually attractive, sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.24 The site is within the ES PZ 04 Winthorpe Village Farmlands character area. Characteristics include flat with occasional undulating landform around village, medium distance views to frequent shelterbelts and mixed plantations, dominant views to the west of power stations and power lines, a mixture of intensive arable fields with strongly trimmed hedges and some low intensity farming with permanent improved pasture in the vicinity of the village.
- 7.25 No details of the proposed scheme have been submitted at this stage. The existing site is in a state of disrepair and the buildings do not contribute to the character of the area. Nonetheless they are agricultural in appearance and within the open countryside this type of building is not uncommon. The single storey scale of the buildings and proximity to the built form of Newark Urban Area means that the buildings as existing do not have a harmful impact on the character of the area. There are no objections in principle to the removal of the buildings, however the construction of 2-4 new dwellings would likely be more prominent than the existing structures. The design should aim to minimise the visual impact due to the edge of settlement location, to ensure there is no harm, or limited harm, to the character of the area and surrounding landscape. Soft landscaping should also be utilised to achieve an acceptable design.

Impact on Residential Amenity

- 7.26 Policy DM5 explains that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.
- 7.27 Paragraph 135 of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users. The closest dwellings to the site are 53 and 55 Beacon Hill which lie to the south a minimum of 20m from the main part of the site. The access to the site is the existing access to no.55 therefore would run in between 53 and 55. Given the separation distance it is not considered that there would be any unacceptable impacts on amenity for neighbouring occupants in relation to overbearing impact, loss of light or loss of privacy. There may be an increase in noise due to the increased use of the driveway, however a development of 2-4 dwellings would not generate a significant number of vehicular movements per day, and therefore the level of noise would not be considered unacceptable.

Impact on Highways

- 7.28 Spatial Policy 7 states that new development should provide appropriate and effective parking provision and Policy DM5 states that parking provision should be based on the scale and specific location of development. The Newark and Sherwood Residential Cycle

and Car Parking Standards and Design Guide SPD (2021) provides guidance in relation to car and cycle parking requirements. Table 2 of SPD recommends the number of parking spaces depending on the number of bedrooms and location of the dwelling.

- 7.29 Paragraph 116 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.30 The existing access to no.55 Beacon Hill Road would be utilised for the development as a shared drive. The access would need to meet the requirements set out in the NCC Highways Design Guide. For a shared private drive of up to 5 dwellings this would require a width of 4.8m within 8.0m of the highway, plus 0.5m clearance on both sides, additional width for bin storage. Subject to access improvements, it is considered the scheme would be acceptable in relation to highway safety and the highway network. Parking provision would need to adhere to the recommendations set out in Table 2 of the SPD. For dwellings with up to 2-3 bedrooms 2 spaces would be required and for 4+ bedrooms 3 spaces would be required.

Trees and Landscaping

- 7.31 Policy DM5 of the Allocations and Development Management DPD states, 'in accordance with Core Policy 12, natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.'
- 7.32 Paragraph 136 of the NPPF states trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 7.33 The site is quite overgrown with some mature trees along the boundary. If the site was to be developed, a tree survey would be required to assess the existing trees on site. Unless dying or damaged, any existing trees should ideally be retained on site, and additional trees planted as part of a landscaping scheme. The full impact on trees would need to be assessed at Technical Details Consent stage.

Ecology

- 7.34 Policy DM5 states that where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment.
- 7.35 Considering the adjacent nature reserve, and the buildings on site, a preliminary ecology survey (and any further recommended surveys) would be required as part of the Technical Details Consent application, to fully assess the impact on protected species and recommend the necessary mitigation measures. For the avoidance of doubt, this survey

cannot be requested at the Permission in Principle stage (local validation lists do not apply to permission in principle applications).

Contamination Risk

- 7.36 Policy DM10 of the DPD states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development.
- 7.37 Paragraph 196 of the NPPF states planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
- 7.38 Due to the previous agricultural use of the site there is potential for contamination. A Phase 1 Contamination Survey would be required to be submitted as part of the Technical Details Consent application.
- 7.39 It is noted that comments have been received regarding the proximity to Newark tip. A contamination survey would assess any potential risk in this respect and the Council's Environmental Health team would be consulted for comments at Technical Details Consent stage.

Community Infrastructure Levy (CIL) -

- 7.40 The site is located within the Housing Medium Zone 2 of the approved Charging Schedule for the Council's Community Infrastructure Levy. Residential development in this area is rated at £45m² for CIL purposes. The development would be subject to CIL at Technical Details Consent stage. As the proposed floorspace is currently unknown, the CIL charge cannot be advised.

Biodiversity Net Gain

- 7.41 In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. Permission in principle is not planning permission, and if approved requires the submission of a Technical Details Consent application to form the full permission. Biodiversity Net Gain would be applicable at this stage.

Other Matters

- 7.42 The comments from the Town Council are noted regarding the conservation area. It is

assumed this refers to the adjacent Beacon Hill Conservation Park. For the avoidance of doubt, the site is not within a conservation area. As assessed above, it is not considered that the number of dwellings proposed would represent over intensification, however this would be subject to final design, scale and layout at Technical Details Consent stage.

8.0 Implications

- 8.1 In writing this report and in putting forward recommendation's officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

8.2 Legal Implications – LEG2425/1834

- 8.3 Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

9.0 Conclusion and Recommendation

- 9.1 Further to the above assessment, it is recommended that permission in principle for 2-4 dwellings on the site is approved.

10.0 Conditions

It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. It is possible for the local planning authority to attach planning conditions to a technical details consent providing they meet existing requirements around the use of conditions.

Local planning authorities may agree planning obligations at the Technical Details Consent stage where the statutory tests have been met. Planning obligations cannot be secured at the permission in principle stage. Local planning authorities can inform applicants that planning obligations may be needed at the technical details consent stage.

Informatives

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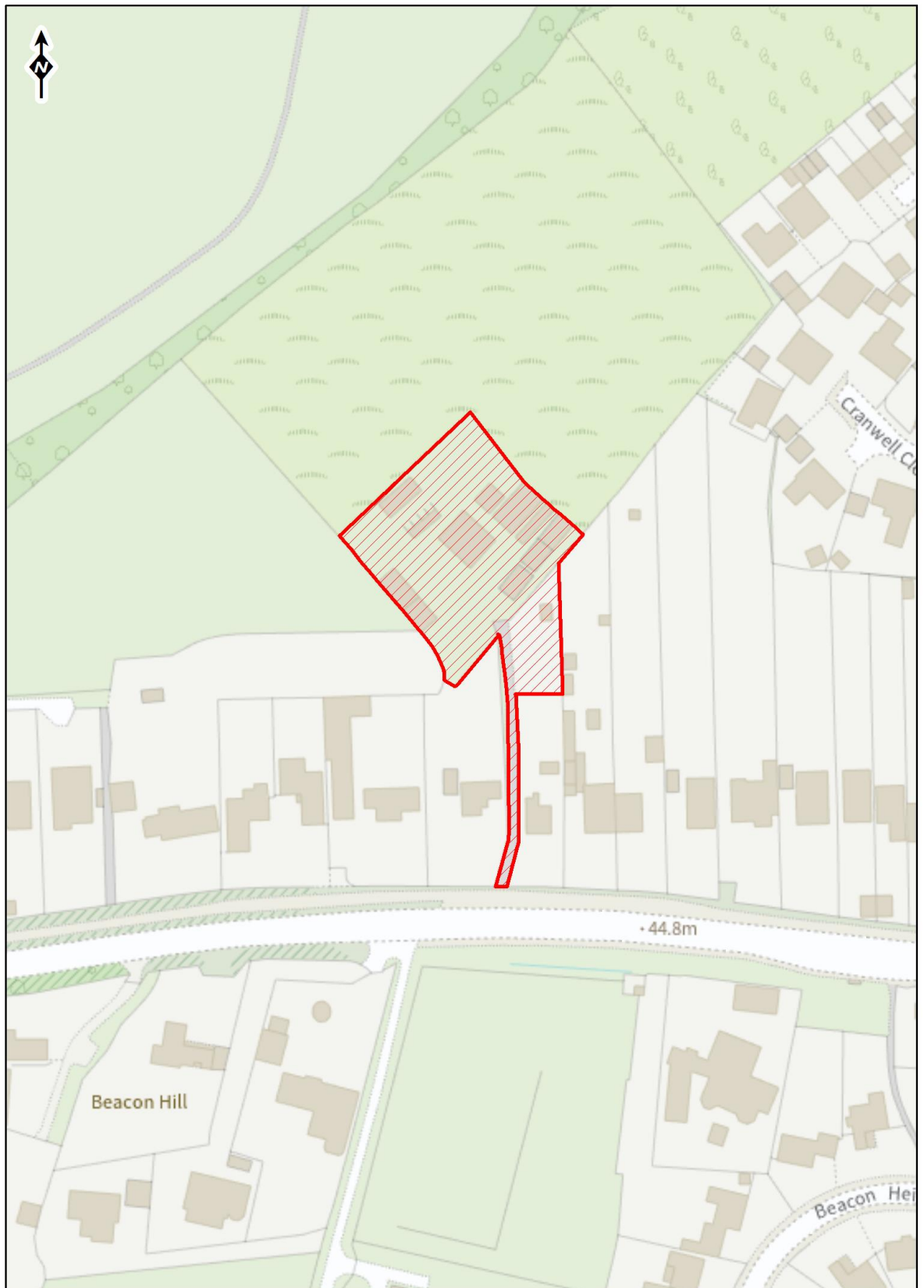
An application for the approval of Technical Details Consent must be submitted within 3 years from the date of this decision.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the

documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.



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Report to Planning Committee 8 May 2025

Director Lead: Matt Lamb, Planning & Growth

Lead Officers: Oliver Scott, Business Manager – Planning Development, x5847 and Bryony Norman, Principal Legal Officer – Commercial

Report Summary	
Report Title	Excepted Applications under the Protocol for Planning Committee
Purpose of Report	The report provides: (a) Additional wording for insertion into the Protocol for Planning Committee to provide clarification on existing provisions for dealing with Officer, Member and Council applications.
Recommendations	It is recommended that: 1) Committee approves the additional wording at 6.6 of the appendix for insertion to the Protocol for Planning Committee.

Background

- 1.1 The Planning Committee have adopted the Protocol for Planning Committee (the "Protocol") and the Planning Scheme of Delegation (the "Scheme") which require review on an annual basis. The Protocol and Scheme allow for the delegation of decisions and circumstances when matters should be reserved to Planning Committee for decision.
- 1.2 The last full review of the Protocol and the Scheme was undertaken and approved by Planning Committee in March 2025 but the amendments have not yet been implemented and will be subject to the outcome of this recommendation.
- 1.3 The Council have received applications from a relative of a current Ward Member, one for a lawful development certificate and the other for works to a tree in a conservation area. Both of which are exceptions under the referral process in the Protocol. These exceptions are applications which are subject to strict time limits and are often not open to discretion but are matters which are determined as a matter of fact or subject to expert opinion. Examples of these applications include works to trees in a conservation area, prior approvals and lawful development certificates.

- 1.4 Under the current adopted Protocol, Member, Officer and Council planning applications should be reported to the planning committee but this is not an absolute requirement. The current Scheme does not reserve these matters to the planning committee and therefore can be dealt with under delegated powers.
- 1.5 The Scheme approved by the Planning Committee in February includes the following wording reserving these applications to the Planning Committee:
- 1.9(i) Any planning related application, other than Excepted Applications within the Protocol for Planning Committee, submitted to the Council by the Council, Officers or Members or their close associates who would be involved in the decision-making process.*
- 1.6 To provide clarity in the Protocol for applications by Members, Officers and the Council which are excepted applications (as defined by the Protocol) and to align with the wording at paragraph 1.5 of this report, it is recommended that the proposed wording at paragraph 6.6 shown in red in the appendix is inserted into the Protocol.

2.0 Implications

- 2.1 In writing this report and in putting forward recommendation's officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.
- 2.2 **Legal Implications – LEG2425/8941**
- 2.3 Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972. Any documents that contain confidential information or personal information about individuals should not be included in this list.

Appendix

Extract from the Protocol for Planning Committee:

6 Consideration of matters reserved to Planning Committee

- 6.1. The responsibility for functions for Planning Committee is contained within the Council's Constitution. The Planning Scheme of Delegation delegates responsibility to Council Officers with certain exceptions which are reserved to Planning Committee.
- 6.2. Proposals submitted by serving and former Members, Officers or their close associates and relatives can easily give rise to suspicions of impropriety. Proposals could be planning applications or local plan proposals.

- 6.3. Such proposals must be handled in a way that gives no grounds for accusations of favouritism. In particular: -
- If a Member or Officer submits their own proposal to the Council, they should play no part in its consideration.
 - The Council's Monitoring Officer should be informed of any proposal submitted by any Member, or any Officer employed by the Council on the grade of Business Manager or above or any Officer who could otherwise have been involved in processing or determining the application.
 - Such proposals should be reported to the Planning Committee and not dealt with by Officers under delegated powers.
- 6.4 A Member will have a disclosable pecuniary interest in their own application and should not participate in its consideration. They have the same rights as any applicant in seeking to assist in the consideration of their application and public speaking but the Member, as applicant, should also not seek to improperly influence the decision.
- 6.5 Proposals for the Council's own development should be treated with the same transparency and impartiality as those of private developers.
- 6.6 For the avoidance of doubt, Member, Officer and Council applications which are Excepted Applications from the referrals process (paragraph 8.2 of this Protocol) should be dealt with under delegated powers by officers and a report for noting will be presented to the Planning Committee for transparency.



Report to Planning Committee 8 May 2025

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Oliver Scott, Business Manager – Planning Development, x5847

Report Summary	
Report Title	Excepted Application Report
Purpose of Report	This report deals with a Lawful Development Certificate and Section 211 Notice (works to trees in a conservation area) submitted by a Member which are excepted application types which do not require a decision by the Planning Committee.
Recommendations	For noting.

1.0 Background

- 1.1 Matters reserved to the Planning Committee are contained in the Planning Scheme of Delegation and the Constitution. Proposals submitted by serving and former Members, Officers or their close associates and relatives can easily give rise to suspicions of impropriety. Such proposals must be handled in a way that is transparent and gives no grounds for accusations of favouritism. In particular, if a Member or Officer submits their own proposal to the Council, they should play no part in its consideration. The Council's Monitoring Officer should be informed of any such proposals which should then be reported to the Planning Committee.
- 1.2 In the context of Member referral, exceptions to the referral process are those applications which are subject to strict time limits for determination including, but not limited to, Works to Trees in a Conservation Area (Section 211 Notices), Prior Notifications, Prior Approvals and Certificate of Lawfulness proposals.
- 1.3 The Local Planning Authority (LPA) has received a Section 211 Notice (25/00497/TWCA) and a Certificate of Lawfulness (25/00152/LDCP) for a property in South Scarle. The applicant is related to a District Councillor. The tree works involve minor management works to silver birch, cherry, leylandii and holly trees. The

Certificate asks whether planning permission is required to install solar panels on the roof of the house.

- 1.4 Trees in a conservation area that are not protected by a Tree Preservation Order (TPO) are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the LPA, using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6 week period if the LPA gives consent. This notice period gives the authority an opportunity to consider whether to make an Order on the tree. Where tree works are minor and affecting trees which are not prominent within a conservation area, as is the case here, the LPA would not normally issue a TPO.
- 1.5 The General Permitted Development Order allows for renewable energy on domestic properties without planning permission, even in conservation areas. Class A of Part 14 allows for this. This includes solar panels, ground source heat pumps, wind turbines, air source heat pumps and more. You do not need to submit for planning permission as Class A is your permission. You can simply go ahead subject to one or two restrictions for solar panels. If you are in a conservation area for example, you cannot install PVs on a wall facing a highway or on a flat roof without first obtaining prior approval. In this case, officers have determined that planning permission is not required. A Lawful Development Certificate is the only legal means of confirming whether a particular proposal is lawful.

2.0 Implications

- 2.1 In writing this report and in putting forward recommendation's officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

2.2 Legal Implications – LEG2425/4734

- 2.3 This report is for noting only.

3.0 Conclusions

- 3.1 For the avoidance of doubt, Member and Council applications which are applications excepted from the referrals process can be dealt with under delegated powers by officers and a report for noting will be presented to the planning committee for transparency. In this case, the two applications referred to are excepted types and can be noted by the Committee.

PLANNING COMMITTEE – 8 MAY 2025

Appeals Lodged

- 1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Development without delay.
- 2.0 Recommendation
That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@newark-sherwooddc.gov.uk quoting the relevant application number.

Oliver Scott
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 28 February 2025 and 28 April 2025)

Appeal and application refs	Address	Proposal	Procedure	Appeal against
APP/B3030/W/25/3360525 24/00402/FUL	Land At Greenaway Rolleston	Demolition of two bungalows and erection of five dwellings including parking provision and amenity spaces.	Written Representation	refusal of a planning application
APP/B3030/W/25/3362054 24/01913/FUL	Annexe The Cottage West Lane Edwinstowe NG21 9QT	Change of use from Annexe to Independent Dwelling.	Written Representation	refusal of a planning application

The following applications are due to be heard by hearing or inquiry over forthcoming months.

Planning application number or enforcement reference	Proposal	Procedure and date	Case officer
	Outline application for up to 9 detached, self-build dwellings with all matters reserved except access	Hearing –4-5 June 2025	Helen White
23/00013/ENFNOT	Appeal against Tree Replacement Notice	Hearing – date to be confirmed	Michael Read

If you would like more information regarding any of the above, please do not hesitate in contacting the case officer.

PLANNING COMMITTEE – 8 MAY 2025

Appendix B: Appeals Determined (between 28 February 2025 28 April 2025)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
22/00975/FULM	Land At Knapthorpe Lodge Hockerton Road Caunton	Construction of a solar farm, access and all associated works, equipment and necessary infrastructure.	Planning Committee	Committee Overturn	Appeal Allowed	31st March 2025
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RC334BLBKYA00						

Recommendation

That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@newark-sherwooddc.gov.uk quoting the relevant application number.

Oliver Scott
Business Manager – Planning Development



Report to Planning Committee: 8 May 2025
 Business Manager Lead: Oliver Scott - Planning Development
 Lead Officer: Richard Marshall - Senior Planner (Enforcement)
Richard.marshall@newark-sherwooddc.gov.uk

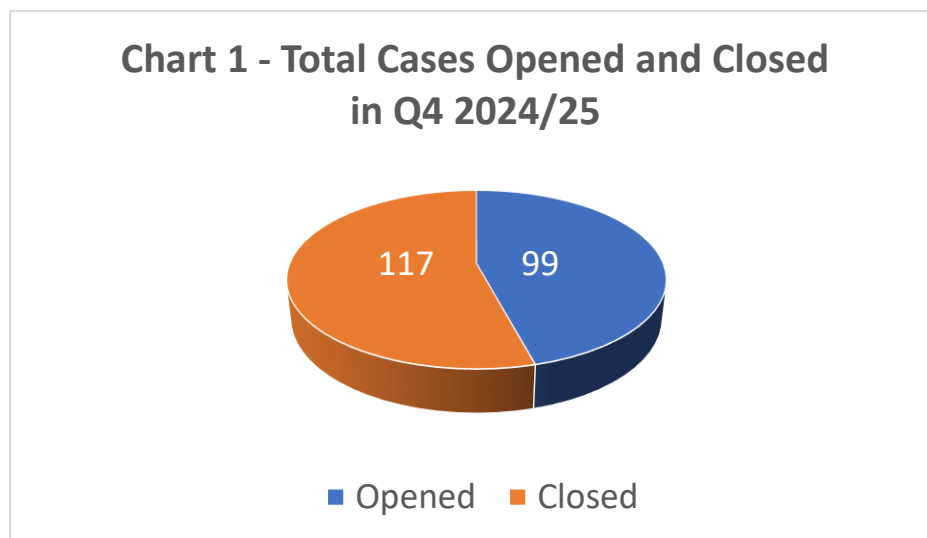
Report Summary	
Report Title	Quarterly planning enforcement activity update report.
Purpose of Report	<p>To update Members as to the activity and performance of the planning enforcement function over the fourth quarter of the current financial year.</p> <p>To provide Members with examples of cases that have been resolved (both through negotiation and via the service of notices) and to provide details and explanations of notices that have been issued during that period.</p>
Period covered	2024/25 Q4 - 1 st January 2025 – 31 st March 2025
Recommendation	<p>For noting.</p> <p>The service assists in the delivery of Community Plan Objectives:</p> <ul style="list-style-type: none"> • Protect and enhance the district's natural environment and green spaces. • Be a top performing, modern and accessible Council.

1.0 BACKGROUND

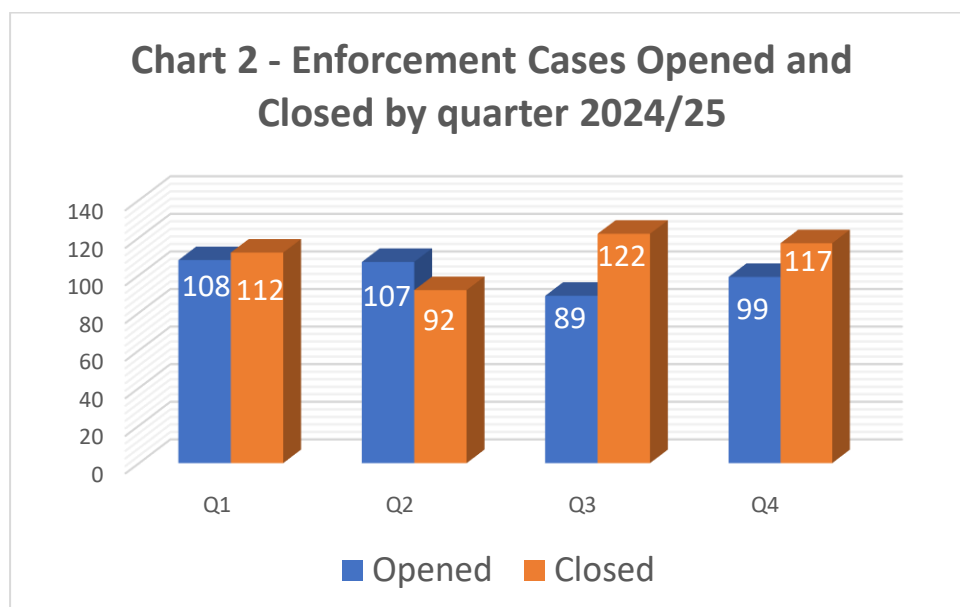
- 1.1** This report relates to the fourth quarter of 2024/25 from 1st January 2025 – 31st March 2025, providing an update on enforcement activity during this period.
- 1.2** Schedule A outlines the enforcement activity for Q4 in terms of numbers of cases received, response times and the reasons for cases being closed.
- 1.3** Schedule B includes a small number of examples of where formal planning enforcement action has been taken (such as a notice being issued).
- 1.4** Schedule C provides an example of a case where officers have managed to resolve the breaches through dialogue and negotiation during the fourth quarter.
- 1.5** Schedule D provides examples of Notices having been complied with. The examples within the report show the ongoing success that has been achieved by the enforcement team.

2.0 SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY

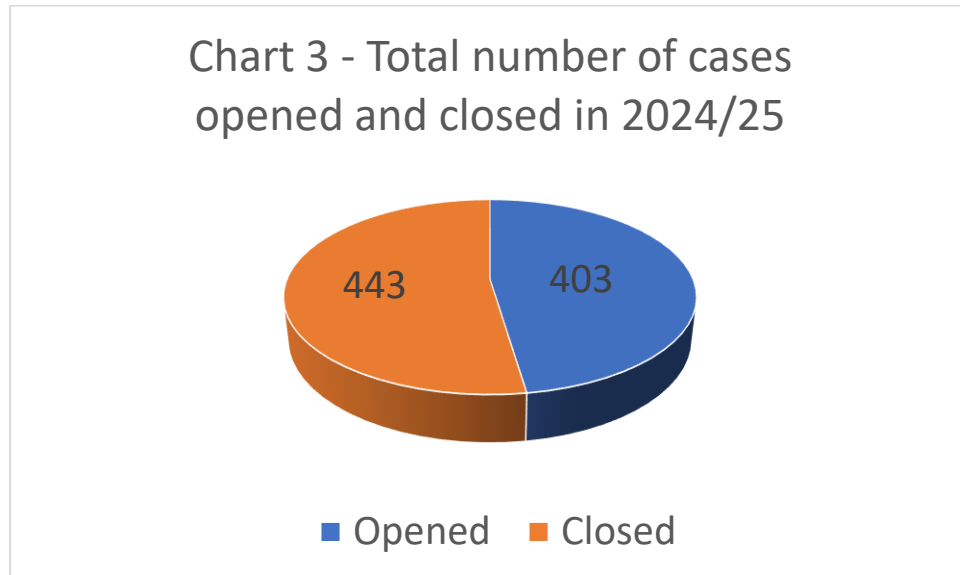
- 2.1** **Chart 1** sets out the number of new enforcement cases that were received and closed during Q4. Members will note that the number of cases closed within Q4 was 18 more than the number of new cases opened. This illustrates the continuing hard work and commitment shown by case officers to bring cases to a conclusion as they continue to handle a substantial number of cases of varying complexities. The closure rate also can be partly attributed to the continuing project reviewing older cases.



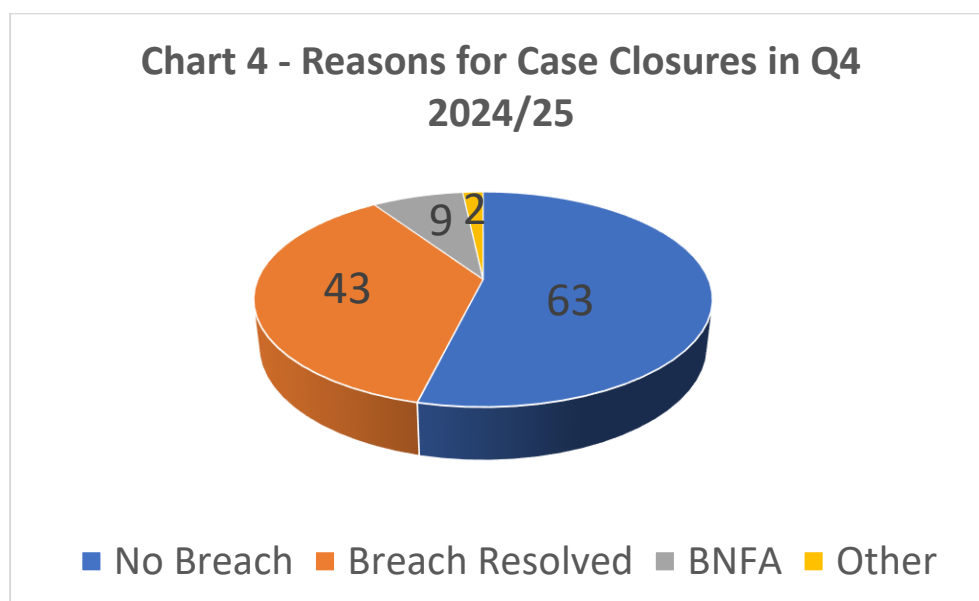
- 2.2** **Chart 2** provides a comparison of the quarter totals throughout 2024/25 to provide some context to the consistent performance of the enforcement team within this financial year, especially in Q3 and Q4 with case closures ahead of the number of new cases being received. Since Q2, the Enforcement team was bolstered with additional resourcing in the form of Technical Support Officer, who has been able to focus on and review older cases as part of their role as an ongoing project.



- 2.3** **Chart 3** Shows the total number of cases that have been opened (and closed) by the Enforcement team throughout the 2024/25 year. Again, this illustrates the successful performance across the enforcement team in closing 40 more cases than were newly opened throughout the year.



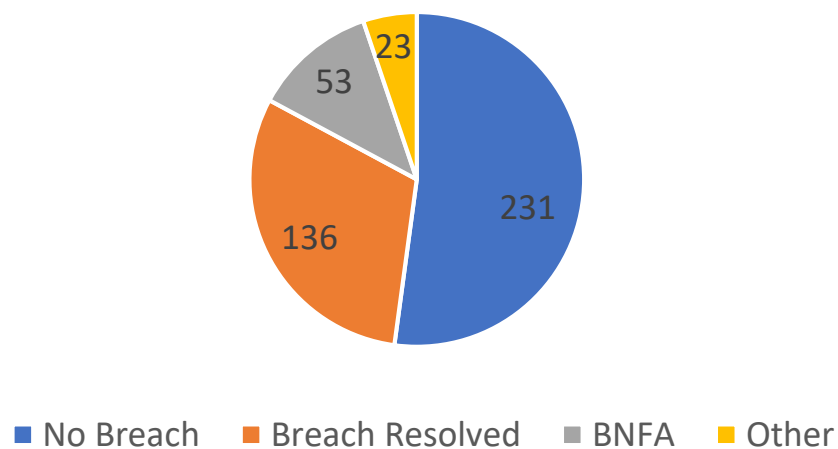
- 2.4** **Chart 4** sets out the reasons why cases have been resolved in Q4. The chart shows that, as is generally the case, approximately half of the cases were closed as 'No Breach'. As commented on in the Q3 report, we believe it is important to investigate all complaints (whether we believe a breach has occurred or not) in order to make sure there is a record of the investigation that could be used in the event of a future complaint regarding the same matter; but also to reassure the public that we take their concerns seriously and will thoroughly investigate their complaints.



2.5 It is interesting to note that, looking back at the data since January 2022, No Breach has accounted for 49% of cases. So, whilst there can be some variation in the number of cases % that are closed as no breach each quarter (Q1 47%; Q2 63%, Q3 47%; Q4 54%), the overall percentage rate is remarkably consistent.

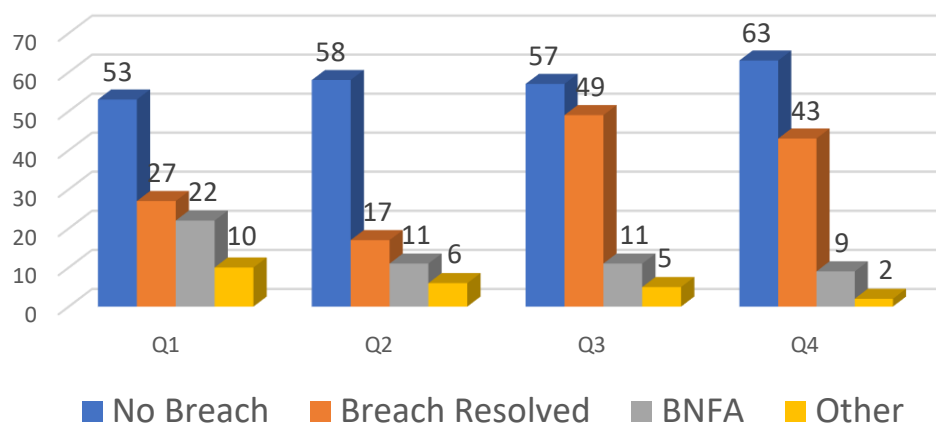
2.6 **Chart 5** provides the annual totals for the reasons for case closure across the 2024/25 year. The breakdown holds relatively consistent when compared to each individual quarter.

Chart 5 - 2024/25 - Breakdown of reasons for case closures - Year Total

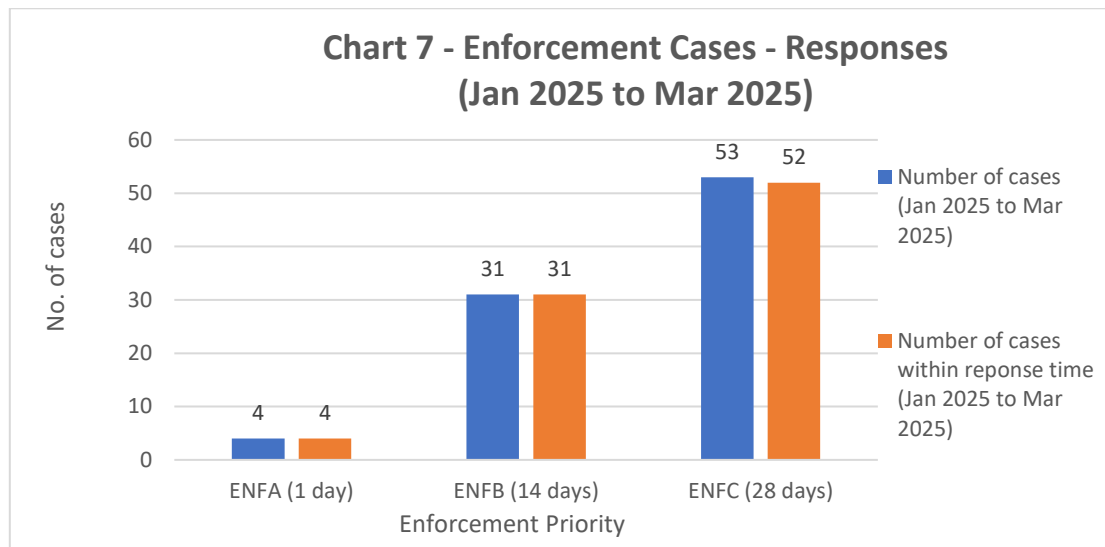


2.7 **Chart 6** provides a quarterly view across the 2024/25 year of the number of cases closed and broken down by their reasons for closure.

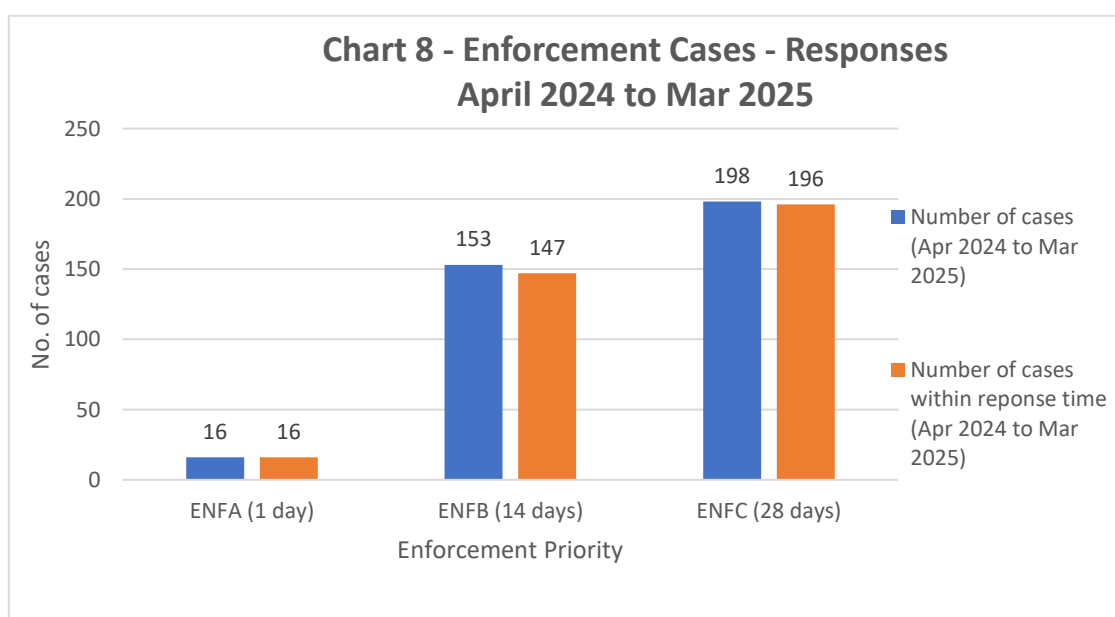
Chart 6 - 2024/2025 - Number of cases closed by quarter - shown by closure reason



- 2.8** **Chart 7** sets out the response time of Officers in relation to the targets set out in the Newark and Sherwood District Council's Planning Enforcement Plan (PEP) - (adopted September 2020). Members will note that there was a near perfect performance, unfortunately with a single ENFC case being outside of the response time.



- 2.9** **Chart 8** provides the annual total figures for 2024/25, for the response times of officers in relation to the targets set out in the NSDC Planning Enforcement Plan (PEP). Over the last 12-months, ENFA cases response times are 100%; ENFB response times were over 96% with ENFC cases were approximately 99%. Overall, a solid performance from across the enforcement team but, as always, with room for improvement as we move into 2025/26.



2.10 Table 1 sets out the number of Notices issued and appeal activity during Q4 of 2024/2025.

Table 1 – Details of Planning Enforcement Action (Enforcement Notices) and appeals during Q4 of 2024/25			
	JANUARY	FEBRUARY	MARCH
Notices Issued	4	3	2
Notices Complied With	1	4	5
Appeals Lodged	0	0	0
Appeals Determined	0	4	0

2.11 Table 2 is a continuation of table 1, with the annual totals of planning enforcement action (enforcement notices) and appeals across the 2024/25 year

Table 2 – Details of Enforcement Action (Enforcement Notices) and appeals (by month) during 2024/25													
	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	TOTAL
Notices Issued	2	2	6	1	1	3	1	2	2	4	3	2	29
Notices Complied With	1	2	0	1	1	1	3	0	3	1	4	5	22
Appeals Lodged	1	0	1	1	0	0	1	1	0	0	0	0	5
Appeals Determined	0	1	0	1	3	6	0	0	2	0	4	0	17

3.0 SCHEDULE B – EXAMPLES OF FORMAL ACTION TAKEN DURING QUARTER 4

3.1 EXAMPLE 1

Enforcement Ref: 24/00210/ENFB
Site Address: The White Swan Public House, Newark
Alleged Breach: Unmaintained state of The White Swan
Action To Date: Section 215 Notice Issued Jan 2025

Background:

- 3.1.1 This prominent ex-public house in Newark has seen its appearance deteriorate since closing. Enforcement activity began following a complaint received in June 2024 and this work was assisted by the NSDC Env Health team.
- 3.1.2 This matter is a good example of the difficulty in making initial contact with owners, with numerous attempts made by the case officer to open a dialogue to amicably resolve the issue. As contact was unable to be made with the owners, this resulted in a decision in January 2025 to issue a Section 215 notice.
- 3.1.3 Following receipt of the S215 notice, we were contacted by the agent acting on behalf of the owners advising that they were preparing an application to change the use of the building to a mixed use of retail at the ground floor with apartments above.
- 3.1.4 Some minor works to 'tidy' the property was carried out in April 2025 with a request from the case officer to extend this work to also clear the vegetation from the roof, guttering and car park.
- 3.1.5 The case is ongoing whilst efforts are made to expediate an application from the owners/agent so this potential change of use can be assessed.

Photo's taken from July 2024





3.2 EXAMPLE 2

Enforcement Ref: 24/00215/ENFB
Site Address: Land North of River Maun, Ollerton
Alleged Breach: Alleged unauthorised flood bund
Action To Date: Enforcement Notice Issued Feb 2025

Background:

- 3.2.1 A complaint was received in June 2024 that an unauthorised flood bund had been erected next to the River Maun in Ollerton. The bund appeared to have been added to protect paddocks and divert water. It was noted that this bund risked deflecting flood flow onto the residential properties located opposite.
- 3.2.2 Following a site visit in July 2024 by enforcement and Environment Agency, it was agreed the bund would be demolished by the end of Nov 2024. As it was not done by this time, a Section 330 notice was issued to ascertain further details, this was complied with.
- 3.2.3 As the works had still not been completed by Feb 2025 and given the potential impact of the development on the flood zone (zone 3), it was concluded that it would be expedient to issue a planning enforcement notice to require the removal of the bund. The EN was issued on 3rd March and required the removal of the bund within 60 days of the notice coming into effect.
- 3.2.4 A recent site visit confirmed the works had been completed to remove the bund.

Before – Showing bund



After – Showing compliance



3.3 EXAMPLE 3

Enforcement Ref: 24/00111/ENFA
Site Address: Vine Cottage, Hoveringham
Alleged Breach: Alleged demolition of wall in Conservation Area
Action To Date: Enforcement Notice issued February 2025

Background:

- 3.3.1 A complaint was received 04.04.2024 that a wall within the Hoveringham Conservation Area had been demolished without consent. A site visit corroborated the details, and the owner was cautioned as it was suspected that an offence under S196D of the TCPA 1990 had occurred.
- 3.3.2 Following the site visit the owner was invited to remedy the breach by means of application. 24/01049/FUL was submitted and approved following consideration. However, the owner erected the replacement walls prior to discharging relevant conditions and the details were later found unacceptable within 24/01678/DISCON.
- 3.3.3 In consequence and in acknowledgement to a further wall which had been erected on site falling outside of the scope of permitted development, which was also identified as unacceptable, a Planning Enforcement Notice was issued 10.02.2025. Following service, the Notice was withdrawn, and a new Notice served 07.03.2025 to amend the details as the owner had further intensified the development.
- 3.3.4 No appeal has been made against the Notice and the requirements of the Notice will be required to be completed.

Initial site photo – April 2024



Follow up visit following works – December 2024



Wall to rear



3.4 EXAMPLE 4

Enforcement Ref:	22/00405/ENFB
Site Address:	The 'Troc' Care Home, Coddington
Alleged Breach:	Alleged building works not in accordance with approved plans and in breach of conditions 18/01999/FULM
Action To Date:	Temporary Stop Notice and Breach of Condition Notice (Jan 2023); Breach of Condition Notice (March 2025)

Background:

- 3.4.1 A complaint was received 14.11.2022 outlining that building works were not in accordance with approved plans and in breach of conditions attached to 18/01999/FULM. Site visits confirmed the allegation and officers sought to negotiate the details with the developer. The development had not accorded to the plans with major deviations on elevations, landscaping and other details.
- 3.4.2 However, building works continued and a Temporary Stop Notice was issued 13.01.2023 in addition to a Breach of Condition Notice on the same day. Negotiations with the owner generated 23/00179/FUL which sought to remedy some deviations on site. The application was refused, and officers worked with the owner and their agent to submit 23/02170/S73M.
- 3.4.3 Despite proactively seeking to remedy the breach of planning control with the owner, no works have been undertaken to modify the unauthorised development to accord to the acceptable scheme.
- 3.4.4 In consequence, a Breach of Condition Notice was served 05.03.2025 and the owner has until 02.12.2025 to comply with the agreed plans which will see major alterations to the principal elevation and roof to improve the character and appearance of the building.

Principle Elevation



Development at rear/side



Lack of planting at front





Image showing inclusion of planting



3.5 **EXAMPLE 5**

Enforcement Ref: 23/00417/ENFB
Site Address: Muts Go Nuts, Epperstone
Alleged Breach: Alleged use of paddock as a commercial dog exercise area
Action To Date: PCN (Jan 2025) and Enforcement Notice (March 2025)


Background:

- 3.5.1 In September and October 2023, complaints were received regarding alleged commercial activity in the form of a 'dog park' on a paddock at this property in Epperstone. Following the initial conversation with the owners, an application was invited for the 'material change of use', which was received in December 2023 and requested the change of use of agricultural field to dog exercise area, construction of hardstanding, fence and gates.
- 3.5.2 Whilst the application was being assessed, the owners were allowed to continue the use. The application was refused at committee in November 2024 and shortly afterwards the owners were contacted to advise that the land should cease the


use as dog exercise area and be returned to its lawful use within 31 days. Furthermore, the land was also required to be returned to its condition prior to the development taking place.

- 3.5.3 We were notified that compliance was not forthcoming. An EN was issued in March 2025 with it set to come into effect on 30th April 2025. Subsequently, the owner has now submitted an appeal (10th April 2025) so this matter can be assessed by the planning inspectorate.





MUTTS GO NUTS
★★★★★ 24



Contacts

muttsgonuts.simplybook.it

Mutts Go Nuts, Nottingham, Highfields, Epperstone

Book now

Opening hours

Sunday	8:00 AM - 6:00 PM
Monday	8:00 AM - 6:00 PM
Tuesday	8:00 AM - 6:00 PM
Wednesday	8:00 AM - 6:00 PM
Thursday	8:00 AM - 6:00 PM
Friday	8:00 AM - 6:00 PM
Saturday	8:00 AM - 6:00 PM

Nottingham's private, safe, enclosed dog walking field

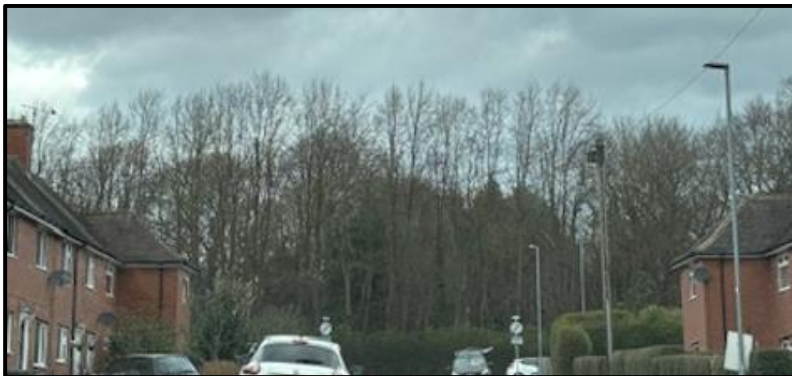
4.0 SCHEDULE C – EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION DURING QUARTER 4

4.1 EXAMPLE 1

Enforcement Ref: 25/00055/ENFC
Site Address: Woodland near Birklands, Edwinstowe
Alleged Breach: Alleged works to trees
Action To Date: Case investigated with area TPO proactively enacted

Background:

- 4.1.1 This case relates to an area of woodland in the centre of Edwinstowe. A concern was raised to the enforcement team via a Councillor, that works to the trees were to be carried out. The trees/woodland in question was not subject to a 'Tree Protection Order' (TPO) and was not located within a conservation area.
- 4.1.2 Whilst on site, the case officer (Michael Read) met with the owner and outlined that a TPO could be placed on the land. Happily, the owner was in full support.
- 4.1.3 The outcome of this initial concern and subsequent visit was that no breach was identified in this case, but it did result in a new 'area TPO' to be set up on the land at Birklands (TPO N448 2025).



4.2 EXAMPLE 2

Enforcement Ref: 23/00309/ENFC
Site Address: Dove Croft, Ollerton
Alleged Breach: Alleged Fence
Action To Date: Case investigated

Background:

- 4.2.1 This case forms part of a wider series of complaints raised following the LPA's decision to take action against a fence elsewhere in the district.
- 4.2.2 Initially, a single fence panel was installed but this then became a 1.8m fence across the frontage adjacent to a highway used by vehicular traffic - failing to accord to Class A of Schedule 2 Part 2 of the GDPO 2015.
- 4.2.3 Following letters being sent to the owners the owner set out their reasoning as to why the fence had been installed at this height.
- 4.2.4 We sought to negotiate, and the owner has now removed the excess fencing and is looking to plant conifers to screen the site. A final site inspection was undertaken in March 2025, which confirmed the removal of the fencing.

Initial site photo



After compliance



5.0 SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER 4

5.1 EXAMPLE 1

Enforcement Ref: 23/00073/ENFB
Site Address: St Marys Drive, Edwinstowe
Alleged Breach: Alleged erection of single storey rear extension using non-similar materials
Action To Date: Enforcement Notice, issued Sept 2023, complied with Jan 2025.

Background:

- 5.1.1 In February 2023 a complaint was received regarding building works that were being carried out at this property with the use of non-matching materials. Following discussions, it became clear that the owners believed the works benefitted from permitted development; unfortunately, this was not the case.
- 5.1.2 The owner accepted that they had an unauthorised development, they sought to obtain consent retrospectively for the existing works and to continue the works through 23/00668/HOUSE - *Erect single storey rear extension (part retrospective)*.
- 5.1.3 This application was refused at committee in August 2023 and an Enforcement Notice was subsequently served in September 2023 requiring demolition.
- 5.1.4 The owners appealed the decision, but at the appeal hearing the inspector upheld the enforcement notice finding harm to the amenity of the neighbouring property.
- 5.1.5 In January 2025, it was confirmed that the development had been demolished in compliance with the enforcement notice allowing the case to be closed.

Initial site photo



Image showing demolished extension



5.2 EXAMPLE 2

Enforcement Ref: 22/00368/ENFB
Site Address: North Crescent, Clipstone
Alleged Breach: Alleged principle and rear extensions in excess of Permitted Development
Action To Date: Enforcement notice issued June 2024, compliance in Jan 2025

Background:

- 5.2.1 Following works to the front and rear of this property, the local Parish Council contacted the enforcement team to query whether these benefitted from any permission, including permitted development.
- 5.2.2 An initial inspection identified (1) a large porch had been erected with an extending principal roof canopy, which did not benefit from permitted development; and (2) a partially built rear extension as well as a large partially built outbuilding. This extension was found to be in breach of conditions attached to 15/00353/FUL - Householder Application for Ground Floor Extension to the Rear, which allowed a 4m depth. No breach was identified with the outbuilding.
- 5.2.3 An enforcement notice was issued in June 2024 requiring demolition of the porch and canopy structure. At this time, the property was sold with an agent being appointed by the new owners. A prescribed scheme, which would see the porch retained by means of application, was agreed with the canopy required to be removed and alterations to the roof of the porch would be needed.
- 5.2.4 The retrospective application for the rear extension was approved in October 2024. An inspection in January 2025 found that the front porch canopy had been removed whilst the porch had been amended in accordance with the approved planning permission.

Initial site photo



After compliance



5.3 EXAMPLE 3

Enforcement Ref: 22/00393/ENFB
Site Address: Fernhill, Hoveringham Road, Caythorpe
Alleged Breach: Alleged installation of lighting and construction of carport, outbuildings and decking.
Action To Date: Five Enforcement Notices issued
Background:

- 5.3.1 A complaint was received 03.11.2022 regarding installation of lighting and construction of carport and outbuildings.
- 5.3.2 A site inspection found that without planning permission the owner had erected a large platform containing a swimming pool, multiple outbuildings and CCTV. The owner was asked to cease all works and set out that they would apply for planning permission retrospectively.
- 5.3.3 Six separate planning applications were received. All were refused due to harm to the Green Belt amongst other reasons. In consequence, five Planning Enforcement Notices were issued 06.11.2023. The Notices were appealed.
- 5.3.4 Three Notices were quashed by the Inspector – notably MCoU, CCTV, outbuilding to rear. However, two Notices were upheld capturing all outbuildings forward of the principle elevation and the large platform and swimming pool.
- 5.3.5 Following the Appeal Decisions the owner has complied with the Notices in full and the requirements of the Notices have been confirmed to have been met within 25/00072/ENCOMP; an application designed to confirm compliance with Planning Enforcement Notices.
- 5.3.6 The case is considered resolved and no further action is proposed.

Before Photos





After Photos



6.0 IMPLICATIONS

- 6.1** In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have referred to these implications and added suitable expert comment where appropriate.

7.0 RECOMMENDATIONS

- 7.1** The report is noted.

8.0 BACKGROUND PAPERS

- 8.1** None.